

43575

National Library
of CanadaBibliothèque nationale
du CanadaCANADIAN THESES
ON MICROFICHETHÈSES CANADIENNES
SUR MICROFICHE

KENNETH TYLER

NAME OF AUTHOR/NOM DE L'AUTEUR

TITLE OF THESIS/TITRE DE LA THÈSE

A TAX-EATING PROPOSITION: THE HISTORY OF THE PASSPASSCHASE

INDIAN RESERVE

UNIVERSITY/UNIVERSITÉ

ALBERTA

DEGREE FOR WHICH THESIS WAS PRESENTED/
GRADE POUR LEQUEL CETTE THÈSE FUT PRÉSENTÉE

Master of Arts

YEAR THIS DEGREE CONFERRED/ANNÉE D'OBTENTION DE CE GRADE

Spring, 1979

NAME OF SUPERVISOR/NOM DU DIRECTEUR DE THÈSE

D. Hall

Permission is hereby granted to the NATIONAL LIBRARY OF
CANADA to microfilm this thesis and to lend or sell copies
of the film.

L'autorisation est, par la présente, accordée à la BIBLIOTHÈ-
QUE NATIONALE DU CANADA de microfilmer cette thèse et
de prêter ou de vendre des exemplaires du film.

The author reserves other publication rights, and neither the
thesis nor extensive extracts from it may be printed or other-
wise reproduced without the author's written permission.

L'auteur se réserve les autres droits de publication; ni la
thèse ni de longs extraits de celle-ci ne doivent être imprimés
ou autrement reproduits sans l'autorisation écrite de l'auteur.

DATED/DATE July 30, 1979

SIGNED/SIGNÉ

Kenneth J. Tyler

PERMANENT ADDRESS/RÉSIDENCE FIXE

21 Morris St

Ottawa, Ontario

K1S 4A6



National Library of Canada

Cataloguing Branch
Canadian Theses Division

Ottawa, Canada
K1A 0N4

Bibliothèque nationale du Canada

Direction du catalogage
Division des thèses canadiennes

NOTICE

The quality of this microfiche is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.

If pages are missing, contact the university which granted the degree.

Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us a poor photocopy.

Previously copyrighted materials (journal articles, published tests, etc.) are not filmed.

Reproduction in full or in part of this film is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30. Please read the authorization forms which accompany this thesis.

**THIS DISSERTATION
HAS BEEN MICROFILMED
EXACTLY AS RECEIVED**

AVIS

La qualité de cette microfiche dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.

S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.

La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de mauvaise qualité.

Les documents qui font déjà l'objet d'un droit d'auteur (articles de revue, examens publiés, etc.) ne sont pas microfilmés.

La reproduction, même partielle, de ce microfilm est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. C-30. Veuillez prendre connaissance des formules d'autorisation qui accompagnent cette thèse.

**LA THÈSE A ÉTÉ
MICROFILMÉE TELLE QUE
NOUS L'AVONS REÇUE**

THE UNIVERSITY OF ALBERTA

A TAX-EATING PROPOSITION:

THE HISTORY OF THE
PASSPASSCHASE INDIAN RESERVE

by



KENNETH JAMES TYLER

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH
IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE
OF MASTER OF ARTS

DEPARTMENT OF HISTORY

EDMONTON, ALBERTA

SPRING, 1979

THE UNIVERSITY OF ALBERTA
FACULTY OF GRADUATE STUDIES AND RESEARCH

The Undersigned certify that they have read, and
recommend to the Faculty of Graduate Studies and Research,
for acceptance, a thesis entitled A TAX-EATING PROPOSITION:
THE HISTORY OF THE PASSPASSCHASE INDIAN RESERVE submitted
by Kenneth James Tyler in partial fullfilment of the
requirements for the degree of Master of Arts.

.....*D. J. Hall*.....
Supervisor

.....*Olin Dido*.....

.....*J. S. Foster*.....
.....*Bye*.....

Date *25. September 1978*

P

DEDICATION

To the members of The Enoch Band

6

ABSTRACT

The surrender of the Passpasschase Reserve in November of 1888 was the first significant Indian Reserve surrender in the Canadian North West. As such, it was the precedent for the devastating series of Indian land surrenders which followed during the first three decades of the Twentieth Century. Like many precedents, however, the Passpasschase surrender was not the result of any considered government policy, nor was it intended to set the pattern for future land cessions by Indian bands. Rather, it was the product of a unique combination of circumstances which conspired to make the abandonment and sale of the reserve lands appear to be the most expedient response to immediate pressures. While the Department of Indian Affairs was quickly discouraged by the practical problems which it encountered in attempting to dispose of the reserve land, and became rather disenchanted with the surrender process as a result, others took a different view. Frank Oliver, the editor of the Edmonton Bulletin, and a leader among the white residents of Edmonton who had campaigned vigorously against the establishment of the Passpasschase Reserve since before it was definitely located, found confirmation for his belief that the land was needed by better men in the final outcome of the surrender. By the end of the century, the potential of a forty square mile tract which had been virtually unexploited by a band of Indians which had "gone into the business of starving and

dunning the Government for grub", was supporting a prosperous community of industrious white farmers. The Passpasschase Reserve had been transformed from a tax-eating to a tax-paying proposition, and this change was most gratifying to the future Superintendent General of Indian Affairs.

ACKNOWLEDGEMENTS.

I would like to express my appreciation to Professors David J. Hall and John E. Foster for their helpful comments and suggestions on the various drafts through which this thesis progressed, and to C. B. Koester, for his penetrating criticisms of the first draft of the land claim upon which this thesis was based. A special acknowledgement must also be made of the invaluable contribution made by former Chief Raymond Cardinal, and Councillors Ed and Romeo Morin, Charlie Cowan, Alphonse Thomas, and Alex Peacock of the Enoch Band and the former Band Administrator, Cliff Sim. It was they who made the decision to finance the original research which was used in this thesis, and who kindly extended permission for me to make use of the findings for academic purposes. I can only hope the eventual results of the many pleasant months that I spent working for them will in some measure justify the faith which they displayed in me. Thanks are also due to the many members of the Enoch Band who shared their knowledge of the history of the Passpasschase Band with me. Much that I learned informally from George Morin, Johnny Ward, Lawrence Morin, Jim Lapotac, and others could not be adequately reflected in the footnotes and bibliography. Also, thanks are due to Shelagh Morse, who exercised great patience and care in typing the final copy of this thesis. Finally, a special note of appreciation is due to my wife, Barbara, who not only performed an inordinate share of the physical labour involved in typing, proof-reading, and correcting the many drafts of this work, but also provided the emotional support and encouragement which made possible its completion.

TABLE OF CONTENTS

CHAPTERS	PAGE
I THE LAW AND ITS ORIGINS	1
II THE TREATY AND THE BAND	25
III DISINTEGRATION	78
IV THE SURRENDER	108
V A HARBINGER	145
* * *	
BIBLIOGRAPHICAL NOTE	160
BIBLIOGRAPHY	173

MAP

DESCRIPTION

PAGE

Plan of the Subdivision into Sections of the Lands Reserve
for the Band of Chief "Papaschase" Heretofore Known As
Indian Reserve No. 136 At the Two Hills Near Edmonton 109

2

The tract of country south of Strathcona known as the Indian reserve is covered with stubble fields and grain stacks. Seven steam threshers are finding ample work on it this fall. It is producing many thousands of bushels of grain and thereby adding wealth to the country. Had it remained in the hands of the Indians it would still be a tax eating instead of a tax paying proposition.

--Edmonton Bulletin, October 28, 1901.

CHAPTER I

THE LAW AND ITS ORIGINS

If this country was given by the Indians to the Government then it would be right for the Government to be thankful for whatever they might get; but if the Government has bought the land it is surely their right and duty to look after the interests of the settlers, both present and future, for whom the land was bought, and out of whose earnings it is expected ultimately to be paid for. . . .

--The Bulletin, January 17, 1881.

When the adventurers of Early Modern Europe first arrived in America, they found various indigenous peoples in possession of the hemisphere. Almost immediately, the newcomers began to displace the native tribes and occupy their lands. In some places and times the Europeans met with determined opposition; in other places and at other times, they did not; but, in whatever fashion the Indians and Inuit may have expressed their objections, the superior force and resources of European civilization were more than sufficient to overwhelm them. All of the Americas fell first into the possession of European Empires, and ultimately into the hands of independent states in which European influences predominated.

The displacement of the Indians and Inuit was inevitable. But the process by which it occurred was not uniform, and everywhere it encompassed more than a series of oft-repeated events--of conquests, threats, and negotiated 'treaties'. It also posed a series of moral and legal questions, the answers to which needed to be integrated into different European systems of thought and of law. The powerful nation-states on the east side of the North Atlantic had achieved their strength through the creation of ordered societies. Each of them endeavoured to transplant its particular system of order to America. In part, this can account for the differing ways in which the invading nations dealt with the Indian presence in the New World.

An essential element in the stability of all European powers was a means of securing persons in their possession of specific tracts of land, and of providing for the orderly transfer of real property. Each of them had developed a substantial body of law for this purpose.

When European codes of land tenure were imposed upon America, the question of the rights of the indigenous peoples to the land could not forever remain unresolved. Yet, it is not surprising that no single, nor very clear, answer was given. Just how the aboriginal title of the Indians and Inuit was dealt with by the various colonizing powers is still the subject of controversy. It has been asserted by some that all European powers (with the notable exception of the French), recognized the validity of the Indian title to the Americas from the commencement of their settlement in the New World.¹ Others have declared that the only European nations to recognize aboriginal rights in a consistent fashion were the Netherlands and Sweden.²

In a sense, both views are correct. Examples can be found to demonstrate that some Indians, at some times, and in some places, were, in fact, compensated for, or left undisturbed in possession of, their lands by all of the colonizing powers. Even the notorious Spandiards, were constrained by the teachings of Franciscus de Victoria,³ and by

¹See, for example, Peter A. Cumming and Neil H. Mickenberg, eds., Native Rights in Canada (2nd.; Toronto: The Indian-Eskimo Association of Canada, 1972), pp. 13-50.

²W. C. MacLeod, The American Indian Frontier (London: Dawsons of Pall Mall, 1968), pp. 193-208.

³In 1532, Victoria, a Dominican and Professor of Sacred Theology at the University of Salamanca, gave a series of lectures entitled De Indis and De Jure Belli, in which he asserted that the aborigines of the Americas were the owners of the lands which the Spaniards were then exploiting, and that the Spaniards had no right to dispossess them of their lands, or to make war upon them except in self-defence. The Spaniards, Victoria argued, should employ pacific measures to convert the Indians to Christianity, and to persuade them to submit to the authority of the Spanish monarch. Should the Indians refuse, the Europeans had no right to make war upon them, unless the aborigines forcibly interfered with the rights of the newcomers to trade, travel, or preach the Gospel. Franciscus de Victoria; De Indis et de Jure

4

the dictates of the Papal Bull Sublimis Deus, to recognize the existence of limited Indian property rights, albeit that such a concession was relatively meaningless in practice.⁴ On the other hand, it is indisputable that the sovereign authorities of the European nations regularly granted vast tracts of American lands to certain of their subjects, with a complete indifference to any rights of the native inhabitants. Only the Dutch took the peculiar step of insisting that a title to lands be obtained from the Indians as well as the Dutch authorities.⁵

The British record on this question is most complex and confusing. English monarchs invariably ignored any aboriginal rights when granting charters for new colonies in America, but a great many of the proprietors and governors of such colonies undertook the expense and trouble of purchasing their newly acquired lands from the Indians.⁶

Belli Relectiones, Being Parts of Relectiones Theologicae XII (Ernest Nys, ed.) in The Classics of International Law Series (Washington: Carnegie Institution of Washington, 1917) especially pp. 151-162 and 166-173.

⁴Cummings and Mickenberg, Native Rights, pp. 14-15. Some of the fine sentiments of Victoria and of Sublimis Deus were incorporated into the New Laws of the Indies (1542), but the majority of Spanish adventurers in the New World had built their personal fortunes on the encomienda system of forced Indian labour, and were prepared to revolt at the prospect of the recognition of any Indian rights. Three years later some of the New Laws were revoked, and the means were quickly found to render many of the remaining laws meaningless in practice. MacLeod, American Indian Frontier, pp. 87-93.

⁵MacLeod, American Indian Frontier, pp. 196-197.

⁶The grant of Rupert's Land to the Hudson's Bay Company conforms to this pattern. The Charter granted by Charles II in 1670 makes the Governor and Company "absolute Lordes and Proprietors" of Rupert's Land, without reference to the inhabitants of the Territory, even though the primary purpose of the Company was to trade with the native tribes. Yet, when the H.B.C. began to build posts on the shores

Yet, until very recent times, it has not been suggested that the failure of a proprietor or his successor to extinguish Indian rights has jeopardized his title. And only Roger Williams, with that consistency which is a mark both of the genius and of the fanatic, went so far as to claim that the King had no right to grant lands which the Indians had not surrendered. He followed the Dutch example and obtained the Charter for the colony of Rhode Island from the English Parliament only after the land had been purchased from the Indians. Williams appears to have been the sole founder of a recognized British colony in America to have proceeded in this manner.⁷

Nevertheless, the fashion of extinguishing the Indian title did spread. There were a few non-conformists, but by the end of the seventeenth century the greater part of the settled portions of the English colonies on the east coast of America had been purchased from the Indians. Indeed, the new custom created a new problem. Ambitious settlers who purchased their intended estates from the Indians had to be reminded that the aboriginal title had no standing in law, and that only the colonial authorities could make a valid grant of land.⁸

of the Bay, treaties were initially entered into with the Indians to purchase the land in the immediate vicinity. See Arthur S. Morton, A History of the Canadian West to 1870-71 (2nd ed.; Toronto: University of Toronto Press, 1973), pp. 51, 67, and 73. After a brief flurry in the late seventeenth century, the practice of making land cession treaties with the Indians of Rupert's Land seems to have fallen into disuse until 1817.

⁷James Truslow Adams, The Founding of New England (Boston: Little, Brown & Co., 1927), p. 164. MacLeod, American Indian Frontier, p. 199.

⁸Ibid., pp. 200-203.

The British, then, did not recognize an aboriginal title to the lands they had colonized in America. Only in the history of Rhode Island can one find any indication that the colonial authorities recognized Indian ownership of the land, as Europeans understood that concept. But the increasingly widespread practice of purchasing land from the original inhabitants, which may often have been prompted by a desire to blunt Indian hostility to the expansion of settlement, also evidenced a recognition by the British colonizers of a moral right of the indigenous peoples to their hunting grounds. This vague acknowledgement of the Indian's moral position almost imperceptibly began to seep into the laws of what were to become the United States and Canada.⁹

While the moral right of the Indians to the land of the New World was gradually being conceded, new questions were arising. The self-righteous attitude of those settlers who had received legal title to their lands from the authorities and then repurchased the same tracts from the Indians "in order that they might have a just and equitable as well as legal right to the land,"¹⁰ soon gave way to renewed feelings of guilt. The agreements whereby Europeans obtained land from the Indians were usually not of an equitable nature. Coercion, threats, and misrepresentation were often resorted to. Areas

⁹For one of the most thought-provoking treatments of this subject see: Daniel J. Boorstin, The Americans: The National Experience (New York: Vintage Books, 1965), pp. 256-264.

¹⁰N. Fiske, An Account of the Settlement of Brookfield [Mass.] and Its Distresses During the Indian Wars; quoted in MacLeod, American Indian Frontier, p. 201.

were sometimes acquired from Indians whose connection therewith was very tenuous, but who were far more agreeable than the natives actually resident.

The Proclamation of 1763 vested in the Indians at the very least usufructuary rights over a portion of the British Empire in America. It also attempted to assure the aborigines that unconscionable land transactions would cease by establishing a Crown monopoly for extinguishing Indian rights. But the moral dilemma could not be disposed of by transforming it into a legal one. The harsh reality remained that if the European colonists and authorities desired Indian lands the Indians could not be allowed to stand in the way, no matter how desirable it might be to obtain their good will. No series of transactions based upon such a premise could be entirely just.

This being the case, the British and the Americans were compelled to seek justification for their appropriation of Indian lands in concepts that would bear closer examination than would the land cession 'treaties'. It was sometimes asserted that the Indians placed little or no value on their territories and readily parted with them. While this may have been true in the early stages of European colonization, a few experiences at the hands of the whites soon taught the natives the value of their lands. It was also claimed that the red man could not grasp the concept of land ownership.¹¹ While there is no doubt that some of the incidents which the Indians attached to land ownership did not always coincide with those of the English common

¹¹William Francis Butler, The Great Lone Land (Edmonton: Hurtig Publishers, 1968), p. 362.

law, it became increasingly difficult to maintain this claim against the insistent declarations of ownership made by the Indians themselves.¹²

But there were two rationalizations for the displacement of the Indian which appeared self-evident to the Europeans until almost the present day, and which were rarely, if ever, challenged. One was that the Indians did not use the land, or at the very least, did not make use of more than a small fraction of its potential. The area necessary to support a small nomadic band could maintain thousands of times as many Europeans. Like the servant who buried his talents in the ground, the Indian was justly deprived of even that which he had. To those whites on the North American settlement frontiers, the righteousness of this argument was obvious.¹³ It also had a certain egalitarian appeal. A variant of this case can still be heard wherever the necessity for "agrarian reform" is urged.

¹²See, for example, "Messages from the Cree Chiefs of the Plains, Saskatchewan," to His Excellency Governor Archibald, April 13, 1871, Edmonton House; in Alexander Morris, The Treaties of Canada with the Indians of Manitoba and the North-West Territories, Coles Canadiana Collection (Toronto: Coles Publishing Company, 1971), pp. 169-171. See also James Seenum and 58 others, to A. G. Archibald, January 9, 1871, Whitefish Lake; in Public Archives of Manitoba, Adams G. Archibald Papers, No. 169.

¹³In the eighteenth century, the Swiss Jurist, Emmerich de Vattel argued that the failure of a people to cultivate their lands is a sufficient reason for people from crowded nations to gain the right to take possession of such lands and place them under cultivation. In relating this general principle, Vattel makes specific reference to the case of the Americas. Emmerich de Vattel The Law of Nations; or Principles of the Law of Nature Applied to the Conduct and Affairs of Nations and Sovereigns. (Joseph Chitty, ed.) (Philadelphia: T. & J. W. Johnson Law Booksellers, 1852). Rev. George Grant declared of the Indian of North Western Ontario, "His wild, wandering life is inconsistent with modern requirements: these vast regions were surely meant

The second rationalization was that the indigenous peoples of the Americas would gain far more than they would lose. While the Europeans might deprive the Indian of his land, they would ultimately confer a greater benefit upon him: they would civilize him and assimilate him into the superior culture of the white man. In times when Western Civilization possessed that self assurance of which it is now so rapidly divesting itself, the inferiority of the American Indian way of life was all but universally accepted by men of European origin everywhere. While not all whites were convinced that the red man was capable of successfully adjusting to the superior standards of Western Civilization, most were agreed that by taking unto themselves a moral obligation to attempt to uplift and assimilate the Indians, the governmental authorities of both Canada and the United States were being more than generous to this continent's original peoples.¹⁴ As we shall see, these two arguments were to play no small part in the history of the

to maintain more than a few thousand Ojibbeways." In Rev. George M. Grant, Ocean to Ocean: Sanford Fleming's Expedition Through Canada in 1872, Coles Canadiana Collection (Toronto: Coles Publishing Co., 1970), p. 34.

¹⁴Alexander Morris's parting words in his account of the Indian Treaties in the North-West were: "Let us have Christianity and civilization to leaven the mass of heathenism and paganism among the Indian tribes; let us have a wise and paternal Government faithfully carrying out the provisions of our treaties, and doing its utmost to help and elevate the Indian population, who have been cast upon our care, and we will have peace, progress, and concord among them in the North-West; and instead of the Indian melting away . . . , we will see our Indian population, loyal subjects of the Crown, happy, prosperous and self-sustaining, and Canada will be enabled to feel, that in a truly patriotic spirit, our country has done its duty by the red men of the North-West, and thereby to herself. So may it be.", in Morris, Treaties, pp. 296-297.



relations between the Canadian Government and the members of the Passpasschase Band.

The legal relationship between the Indian and the land on which he resided also became a question which has greatly influenced the history of the above mentioned band. The Proclamation of 1763 had invested some of the Indians in British territory with certain rights to their hunting grounds. In practical terms, the meaning of the edict was clear enough. Colonial authorities could no longer issue patents for land within the territory west of the Appalachian watershed and the boundaries of Quebec and Florida, and south of Rupert's Land, until the Crown had received a surrender of the same from the Indians. Such surrenders were only to be made at some public meeting or Assembly of the Indians called for that purpose by the Governor or the Commander in Chief of the colony concerned.¹⁵

As a result of the Proclamation it was clear that the Indians possessed legal rights to the lands therein specified, but it gave no hint as to the nature of those rights. Not until 1889 was any definitive decision on this point reached. In the case of St. Catherines Milling and Lumber Company and The Queen, the Judicial Committee of the Privy Council ruled that the Indians did not hold legal title in fee simple to their unsurrendered lands. Rather they possessed a personal and usufructuary right, dependent upon the good will of the Sovereign over the same. The indigenous peoples thus were conceded

¹⁵Royal Proclamation, October 7, 1763, Canada, Revised Statutes of Canada (1970), Appendix II, No. 1., pp. 123-129.

the right to use and benefit from their lands so long as the Crown permitted, but they were denied the right to alienate them, (except to the Crown) or to alter them in substance.¹⁶ While the nature of the usufructuary right was not delineated in detail, the decision did interpret the past practice of the British in America as well as any legal judgement could be expected to do. By the time that judgement had been rendered in the St. Catherines Milling case, however, the question of aboriginal rights to the soil was declining in importance,¹⁷ and the administration of Indian reserve lands had become the major preoccupation of those government officials responsible for Indian Affairs.

¹⁶St. Catherines Milling and Lumber Company and The Queen on the Information of the Attorney-General for Ontario (The Law Reports; Privy Council, Vol. XIV, p. 46.).

¹⁷By 1889 the Canadian Government had concluded treaties with the Indians in almost all of the areas where it was considered politically feasible to do so, and where there was any immediate prospect of extensive white settlement. Quebec and the Maritimes were East of the Proclamation Line, and since the French had not seen fit to treat with the Indians for their rights to the soil, there apparently had been no inclination on the part of the British, who succeeded them, to unsettle the European inhabitants of those areas by raising the question. Cumming and Mickenberg, Native Rights, pp. 80-91 and 94-105. Similarly, from 1871 onwards, British Columbia refused to recognize aboriginal rights and thus would not consent to any Federal Government attempts to extinguish them. Ibid., pp. 171-193. Since 1889, only six new treaties have been signed in Canada for the purpose of satisfying aboriginal claims: Treaties 8, 9, 10, and 11, the 1923 Treaty, and the James Bay Agreement. (The area encompassed by Treaty 5 was also expanded.) With the exception of the Peace River Block in Treaty 8, and the land covered by the 1923 Treaty in Eastern Ontario, regions covered by the more recent treaties are still largely unsettled by white Canadians.

The Indian reserve¹⁸ as an institution had diverse origins. As early as 1516, Cardinal Ximenes, the Regent of Castile, had authorized the establishment of segregated Indian communities in the West Indies, where no Spaniards other than an appointed administration and the officials of the Catholic Church would be permitted to reside. The plan was designed to prevent the imminent extinction of the native population at the hands of the avaricious colonists, but before it could be implemented, the ravages of smallpox had almost obliterated the people it was intended to save.¹⁹ In New France, the first reserves were designed, not to segregate the Indians from the society and culture of the colonists, but to assimilate them into it. In the 1630s, the Jesuit missionary, Father Le Jeune, conceived of a community in close proximity to Quebec wherein the Algonkian Indians could be induced to abandon their nomadic way of life, and learn to cultivate the soil. Once they had adapted to a sedentary means of existence, it was believed that the natives would much more readily grasp the advantages of Christianity and Western civilization. With the aid of Noel Brulart de Sillery, a devout philanthropist, the Jesuits were enabled to put this theory into practice with the founding of St. Joseph de Sillery in 1637, the first Indian reserve in Canada.²⁰

¹⁸For reasons unknown to the author, the term "reserve" is preferred for lands set aside for Indians in Canada. In the United States the term "reservation" is almost invariably employed.

¹⁹MacLeod, American Indian Frontier, pp. 85, 283-285.

²⁰George F. G. Stanley, "The First Indian 'Reserves' in Canada, Revue d'Histoire de l'Amérique Française, Vol. IV, No. 2 (September, 1950), pp. 178-210.

Subsequently, other missions were established in New France for like purposes, some of which, such as Caughnawaga, St. Regis, and Oka survive as Indian reserves to this day.²¹ In all such cases, land was granted either to the Indians themselves, or to the ecclesiastical authorities for the use and benefit of the Indian converts living there.²² In practice, the close intermingling of Indian and white too often had undesired effects. While many of the secular authorities continued to support a policy of assimilation of the Indians into the society of New France, the officials of the Church attempted to segregate their Indian converts from the white colonists when they began to encounter increasing difficulties with drunkenness among their native flocks.²³ Thus the Indian reserves in New France, which were conceived of as the means to assimilation, quickly evolved into segregated communities.

The development of Indian reserves in the British colonies was more haphazard than it was among the French. Originally, the English were not inclined to acknowledge any general aboriginal title

²¹ Ibid.

²² Ibid. Only in the case of Sillery was land granted directly to the Indians. In all other cases the ecclesiastical authorities were granted the land, usually with a reversionary clause, to the effect that if the land should cease to be used as an Indian mission it should be returned to the grantor. The land was not always given by the Crown. At Sillery, it was granted by the Company of New France, and in many other cases it was made available by private seigneurs.

²³ Ibid. See also, Jean Delanglez, Frontenac and the Jesuits (Chicago: Institute of Jesuit History, 1939), pp. 35-65; W. J. Eccles, Frontenac: The Courtier Governor (Toronto: McClelland and Stewart Ltd., 1959), pp. 54-58.

to the soil, but they generally seem to have believed that the Indians should be left in undisturbed possession of the lands which they were actively cultivating or actually residing upon, until such time as the owners had been conquered in war.²⁴ Most of the Indian tribes on the East Coast of America either receded into the Interior in the face of British settlement, were driven there by force of arms, or were exterminated. But some tribes and individual Indians preferred to remain near the European settlements, either because they had converted to the Christian religion, or because they valued the protection of the white newcomers against their ancient enemies. A few others, remnants of defeated tribes, had to be provided for by colonial authorities after the martial supremacy of the Europeans had been established. In such cases, small reservations of land for the use and occupancy of the Indians were often set aside.²⁵ As the British expanded their colonial Empire into the formerly French possession in Acadia, land was set aside for the Indian residents in a similarly haphazard fashion. Bands of Indians would be granted

²⁴Myra Kingsbury, (ed.), Records of the Virginia Company, Vol. III, pp. 556-557; as quoted in Hugh T. Lefler, (ed.), A History of the United States. From the Age of Exploration to 1865, Meridian Documents of American History, (Cleveland: The World Publishing Company, 1960), p. 55.

²⁵MacLeod, American Indian Frontier, pp. 387-392. The first Indian reserve in Connecticut was established in 1649; the first in Massachusetts was established in 1651. Lands were first assigned to Indians by the colonial authorities in Virginia in 1656, and it was in that colony that the regulation that Indian reservation lands should be inalienable first appeared. Maryland made provision for an Indian reserve in 1704, and Pennsylvania in 1717.

reserves when their members had decided to become farmers, or when the colonial authorities had determined that it was time for them to do so.²⁶

But the establishment of these small Indian enclaves in the British colonies along the Atlantic seaboard had a rather different origin than did the reserves that were later created in the Interior. In addition to affirming the legal status of aboriginal rights, the Proclamation of 1763 had also established an Indian boundary line along the Appalachian watershed.²⁷ An 'Indian Territory' was created in the Mississippi Valley and the Great Lakes basin, and no British subject was permitted to settle any portion of that territory until the Crown had purchased the desired land from the tribes interested in it.²⁸ In subsequent years the British and American authorities concluded treaties with Indians to the west of the boundary line whereby large tracts of the Indian Territory were purchased to be opened up for white settlers. The native population could not be

²⁶E. Palmer Patterson II, The Canadian Indian: A History Since 1500 (Don Mills, Ontario: Collier MacMillan Canada Ltd., 1972), pp. 62-65.

²⁷Royal Proclamation, October 7, 1763, Canada, Revised Statutes of Canada (1970), Appendix II, No. 1., pp. 123-129.

²⁸Max Farrand, "The Indian Boundary Line," American Historical Review, Vol. X (1904-1905), pp. 782-791.

pushed westward forever, and areas which the Indians wished to preserve for their own use were eventually encircled by European settlement. Such lands came to be known as Indian reserves.²⁹

In Canada, the process of establishing Indian reserves was to go through another permutation. As the years passed, it became increasingly common for certain lands which had recently been purchased from the Indians by the Crown to be designated as reserves by the Canadian authorities. In this fashion, Manitoulin Island was set aside as an intended home for a majority of the Indians of Upper Canada in 1836.³⁰ A similar procedure was employed more extensively in Western Canada. Many of the numbered treaties provided for the cession of the Indian interest in large territories, with the proviso that reserves of a specified area but at unspecified locations, would be set apart for the Indian bands when they desired to settle permanently.³¹ By the

²⁹Farrand, "Indian Boundary Line," pp. 782-791; MacLeod, American Indian Frontier, pp. 439-440; Wilbur R. Jacobs, Dispossessing the American Indian: Indians and Whites on the Colonial Frontier (New York: Charles Scribner's Sons, 1972), pp. 103 and 206.

³⁰Patterson, The Canadian Indian, pp. 86-88.

³¹Of the numbered Treaties, Treaties 3, 4, 6, 8, 10, and 11, made no mention whatsoever of the location of reserves, only specifying that they were to be of sufficient size to provide 128 acres per capita. Treaties 1, 2, 5, 7, and 9 did include in their texts approximate locations for reserves that were to be set aside under their terms. The language employed in these treaties was that "Her said Majesty the Queen, hereby agrees and undertakes to lay aside and reserve for the sole and exclusive use of the Indians, the following tracts of

twentieth century, the Department of Indian Affairs had come to regard the establishment of Indian reserves to be as much a matter of sound public policy as of treaty obligation. In 1909, Duncan Campbell Scott, an official with more than thirty years experience in the department,³² declared that land had been set aside for bands on the western prairies, not only to satisfy the requirements of the treaties, but also ". . . to give the Indians certain freedom of movement, and . . . to form an Estate which would be of value to them in the future."³³

Given the diverse origins of the Indian reserves in Canada, it is not surprising that when it became necessary to define the

land. . . ." or words to that effect. This clause invariably followed the stipulation that the Indians had surrendered their rights to the entire area over which their aboriginal claims extended. Thus, in all of the numbered Treaties, reserves were set aside by the Crown from land to which the aboriginal title had been extinguished. They were not "reserved" by the Indians from the land cession made to the Crown. For evidence that the Indians of the Prairies viewed the matter differently, however, see John L. Tobias, "Indian Reserves in Western Canada: Indian Homelands or Devices for Assimilation?" in D.A. Muise, ed., Approaches to Native History in Canada: Papers of a Conference Held at the National Museum of Man, October, 1975, History Division Paper #25, National Museum of Man, Mercury Series, (Ottawa: National Museums of Canada, 1977), pp. 89-103.

³²In 1909 Scott was the accountant for the Department of Indian Affairs but his interests extended beyond those of a mere bookkeeper. Four years later he was appointed Deputy Superintendent General, a position equivalent to Deputy Minister in other departments. All in all, Duncan Campbell Scott, who was also a noted poet and author, spent more than fifty years in the Indian Affairs bureaucracy.

³³Duncan Campbell Scott to the Deputy Superintendent General, memorandum, March 22, 1909, Department of Indian and Northern Affairs File 671/30-12-159 vol. 1. A dispute had arisen as to whether a reserve of the same area as that provided for by the terms of Treaty 6 should be given to a Saskatchewan Indian Band that had refused to adhere to the Treaty. Scott's position was endorsed by the Deputy Superintendent General, Frank Pedley, and even by the Superintendent General, Frank Oliver, although the latter added the proviso that most of the land be selected in areas undesirable for white settlement. Incredible bureaucratic confusion prevented the band in question from

institution for legal purposes, Parliament was deliberately vague.

The Indian Act of 1876 declared that:

The term "reserve" means any tract or tracts of land set apart by treaty or otherwise for the use and benefit of or granted to a particular band of Indians, of which the legal title is in the Crown,³⁴ but which is unsundered, and includes all the trees, wood, timber, soil, stone, minerals, metals, or other valuables thereon.³⁵

The law was not only ambiguous on the question of how an Indian reserve might have originated, (and therefore on how a new reserve might be established), it was also unclear as to what legal responsibilities the Crown assumed for the lands contained within them. Other sections of the Indian Act gave the Federal Government full administrative authority

ever receiving the area of land that had been agreed upon. D.I.N.A., File 671/30-12-159 vol. 1, passim. Public Archives of Canada, Records of the Department of Indian Affairs (R.G. 10), Vol. 7767, File 27107-11, passim. P.A.C., Indian Affairs Records, Vol. 7779, File 27140. Saskatchewan Archives Board, Saskatoon, Homestead Files, No. 1215019.

³⁴By the fundamental principle of English land tenure, the underlying title to all land was in the Crown. On all lands for which patents or grants had not been issued, the full title was assumed to remain with the Crown, (although the Indians, by use and occupancy, might have established an interest in it). Thus, even in cases where a reserve had been created by the Indians' unwillingness to surrender their aboriginal rights to a certain enclave, the "legal title" to such land was still considered to be in the Crown. For a discussion of the origin of the theory of English land tenure, see A. W. B. Simpson, An Introduction to the History of the Land Law (Oxford: Oxford University Press, 1961), pp. 1-23.

³⁵Canada, Statutes of Canada. An Act to Amend and Consolidate the Laws Respecting Indians (The Indian Act, 1876), 39 Vic., Cap 18, Sec. 3vi. Essentially the same definition was repeated in all Indian Acts until 1951. In the case of the Indian reserves in Quebec and of the Lennox Island Reserve in Prince Edward Island, the legal title was not held by the Crown but by religious or philanthropic societies. Such reserves were designated "special reserves" by the Indian Act. Canada, The Indian Act, 1876, 39 Vic., Cap 18, Sec. 3vii.

over reserves.³⁶ By retaining the title to and administrative control of lands which were set aside for the use and benefit of Indian bands, the Crown placed itself in a position which resembled that of a legal trustee. Whether the statute created any fiduciary responsibilities for reserve lands has not yet been decided by the Courts.³⁷

The Crown's fiduciary responsibility was perhaps most relevant to the question of how lands set aside for the use and benefit of a particular band could be legally alienated. Historically, the procedure for reserve land surrenders evolved from the process for the cession of aboriginal rights. The Proclamation of 1763 had established a Crown monopoly for the purchase of Indian lands, and stipulated that the transaction must be agreed to at a public meeting of the Indians called for that purpose.³⁸ From 1763 forward, treaties designed to extinguish aboriginal rights and contracts for the sale of reserve lands alike, were usually negotiated according to the relatively simple requirements of the Proclamation.³⁹ After Confed-

³⁶Canada, The Indian Act, 1876, 39 Victoria, Cap 18, Secs. 4-60.

³⁷The Courts have proved very reluctant to find that the Crown has any fiduciary responsibilities. See L. C. Green, "Trusteeship and Canada's Indians," Dalhousie Law Journal, Vol. 3, No. 1 (1976), pp. 104-135.

³⁸Royal Proclamation, October 7, 1763, Canada, Revised Statutes of Canada (1970), Appendix II, No. 1., pp. 123-129.

³⁹There were, of course, exceptions, particularly in the Maritime provinces, where the alienation of Indian reserve lands was often accomplished without the consent of the Indians concerned. Cumming and Mickenberg, Native Rights, pp. 100-105.

eration a distinction began to be made, however. Treaties continued to be negotiated at large public meetings of the Indians and the Federal Government's commissioners, with little or no statutory guidance.⁴⁰ But surrenders of reserve lands were made the subject of particular legislation in 1868, when Parliament declared that no release or surrender would be valid or binding unless it was assented to by the chief (or a majority of the chiefs) of the band interested, at a meeting of the band called in accordance with the rules of the band for the purpose of considering the surrender, and held in the presence of a duly authorized official of the Federal Government. The same Act also stipulated that no Indian who did not habitually reside on or near the lands to be surrendered would be entitled to attend the meeting; that one of the chiefs of the band and the government official authorized to attend the surrender meeting must swear on oath before some Judge of a Superior, County, or District Court that the release or surrender had been properly assented to; and that the surrender must be accepted by the Governor in Council.⁴¹

⁴⁰The treaties assumed a number of forms and were not ratified by Parliament, leading most scholars to affirm that they were not "treaties" at all, in the sense that the word is used in International diplomacy. See L. C. Green, "Legal Significance of Treaties Affecting Canada's Indians", Anglo-American Law Review, Vol. 1, No. 1, (1972), pp. 119-135.

⁴¹Canada, Statutes of Canada, An Act Providing for the Organization of the Department of Secretary of State of Canada, and for the Management of Indian and Ordnance Lands, 1868, 31 Victoria, Cap 42, Sec. 8.

Eight years later, the Indian Act of 1876 made the requirements more stringent. That statute stipulated that:

25. No reserve or portion of a reserve shall be sold, alienated or leased until it has been released or surrendered to the Crown for the purposes of this Act.

26. No release or surrender of a reserve, or portion of a reserve, held for the use of the Indians of any band or of any individual Indian shall be valid or binding, except on the following conditions:-

1. The release or surrender shall be assented to by a majority of the male members of the band of the full age of twenty-one years, at a meeting or council thereof summoned for that purpose according to their rules, and held in the presence of the Superintendent-General,⁴² or of an officer duly authorized to attend such council by the Governor in Council or by the Superintendent-General; Provided that no Indian shall be entitled to vote or be present at such council, unless he habitually resides on or near and is interested in the reserve in question;
2. The fact that such release or surrender has been assented to by the band at such council or meeting, shall be certified on oath before some judge of a superior, county, or district court, or stipendiary magistrate, by the Superintendent-General or by the officer authorized by him to attend such council or meeting, and by some one of the chiefs or principal men present thereat and entitled to vote, and when so certified as aforesaid shall be submitted to the Governor in Council for acceptance or refusal;⁴³

⁴²The Superintendent General of Indian Affairs was the Cabinet Minister responsible for the administration of Indian Affairs. In 1876, the Minister of the Interior held this position. After 1880, however, Indian Affairs was made a separate portfolio, although, until the 1930's, the duties of the Superintendent General and of the Minister of the Interior were usually performed by the same individual.

⁴³The Indian Act, 1876, 39 Vic., Cap 18, Secs. 25 and 26, i, ii. Subsection 3 of section 26 provided that the Superintendent General could issue licenses to cut and remove trees, wood, timber, hay, stone, or gravel, after receiving the ordinary consent of the band concerned.

These legal requirements remained virtually unchanged until 1951.⁴⁴

While the general procedure for taking surrenders was clear enough, the wording of the Indian Act was ambiguous on a number of key points. The "rules" of many bands were rather vague and uncertain, and it was therefore often questionable whether a meeting had been called in accordance with them or not. Furthermore, no precise definition was given of how "near" a reserve a participant in a surrender vote would have to reside. The most significant ambiguity, however, concerned the nature of the "majority" that would be required. When the bill was before the House of Commons, the Superintendent General of Indian Affairs, David Laird, declared that a valid surrender would require the consent of merely a majority of those present at the surrender meeting, and not a majority of the total adult male membership of the band.⁴⁵ The practice of the Department reflected Laird's

⁴⁴There were of course, minor changes to these provisions. In 1898, the class of officials before whom the required affidavits could be sworn was expanded to include the Indian Commissioner for Manitoba and the North West Territories, the Indian Superintendent for British Columbia, and Justices of the Peace. A significant proviso was also added in 1911, under the terms of which Indian reserves within the boundaries of incorporated cities whose population exceeded 8000, could be exempted from the surrender provisions of the Act. In these cases, Indian reserves could be sold without the consent of the band concerned, upon the authority of an Exchequer Court judge who would be appointed administrator of the lands and guardian of the Indians' interests. While the implications of this amendment were great, it did not alter the existing surrender requirements, but rather established a process whereby certain reserves could be exempted from them. Canada, Statutes of Canada, 61 Victoria (1898), Cap 34, Sec. 3. Canada, Statutes of Canada, 1 George 5 (1911), Cap 14, Sec. 2.

⁴⁵Canada, Parliament, Debates of the House of Commons, Session 1876 (Ottawa: Queen's Printer, 1877), pp. 752 and 928-929.

opinion until 1914,⁴⁶ and the printed forms of the affidavits used by government officials before that date merely required the deponents to swear that a surrender had been assented to by a majority of those present at a properly called meeting.⁴⁷ On the other hand, when the matter was later brought before the Department of Justice for a legal opinion, the legal advisers to the Crown twice replied that the law was ambiguous, but that the better interpretation would be that a majority of all the adult male members of the band was required.⁴⁸ A Royal Commission of three Manitoba judges emphatically concurred with this opinion in 1912.⁴⁹ The question has yet to be finally determined

⁴⁶Canada, Debates of the House of Commons, Session 1910-11, Vol. III, col. 5871. Duncan Campbell Scott, "Instructions for the Guidance of Indian Agents in Connection with the Surrender of Indian Reserves," May 15, 1914. Copy in P.A.C., Indian Affairs Records, Vol. 7995, File 1/34-1-0.

⁴⁷Canada, Department of Indian Affairs, "Form No. 66." A copy of this form can be found in P.A.C., Records of the Privy Council (R.G. 2), Series 1, Vol. 431, P.C. 2329/1889. (October 12, 1889.)

⁴⁸E. L. Newcombe to the Deputy Superintendent General of Indian Affairs, January 15, 1894, and E. L. Newcombe to the Deputy Superintendent General of Indian Affairs, March 13, 1907. P.A.C., Records of the Department of Justice (R.G. 13), Series 3, Vol. 103, pp. 424-425 and Vol. 140, pp. 757-759 respectively. In the second of these cases, Newcombe acknowledged that if read by themselves, the words of the Statute would require the majority of the total band to give assent to a surrender, but under the peculiar circumstances of the case under consideration, (all of the Indians of Nova Scotia were considered to belong to one band), a majority of those present at the surrender meeting would suffice. On both occasions Newcombe strongly urged that the law be amended to end the uncertainty. His advice was not followed.

⁴⁹"Indian Reserve Surrender Upset by Commission," The Winnipeg Telegram, January 5, 1912, pp. 1-2, 9, and 15. The full text of the Royal Commission Report is reprinted in this newspaper, and this version appears to be the only one available to the public. The Commission, consisting of Judges Locke, Prud'homme, and Myers, was appointed to investigate the surrender of the St. Peter's Reserve

by the Courts.⁵⁰

The surrender of the Passpasschase Reserve, was to be the first surrender for sale⁵¹ of any Indian Reserve in the Canadian North West following the passage of the 1876 Indian Act.⁵² As such, it was not the result of any clear government policy, but of a coincidence of largely unexpected events. In such circumstances the ambiguities of the surrender provisions of the Indian Act would assume some importance.

near Selkirk, Manitoba. The nature of the majority necessary for a surrender under the Indian Act was the issue upon which the judges reached their conclusion that the surrender had been invalid. They divided two to one, but while Justices Locke and Prud'homme gave detailed arguments for their view that a majority of the total adult male membership of the band was required, Justice Myers merely stated that he disagreed with his colleagues, without providing any reasons for his view.

⁵⁰This question is one of those currently at issue in the land claim of the Enoch's Band, which is before the Federal Court of Canada. Cardinal v. The Queen, Statement of Claim, June 30, 1975. Filed in The Federal Court of Canada, July 15, 1975.

⁵¹A surrender of a reserve was made by the Indians of Treaty 7 in 1883. This surrender was for the purpose of exchanging reserve land, however, not so that land could be sold. P.A.C., Privy Council Records, Series 1, Vol. 299, P.C. 400/1885 (January 24, 1885).

⁵²A surrender of one square mile of the St. Peter's Reserve, near Selkirk had been made in 1875. P.A.C., Privy Council Records, Series 1, Vol. 115, P.C. 1037/1875 (October 16, 1875).

CHAPTER II

THE TREATY AND THE BAND

The petition against the Indian reserve at the Two Hills, gives as reasons why it should not be granted there--First--because the Indians are not satisfied with it, and ordered the survey to be stopped. Second--because they have no right to it, not being natives of this part of the country. Third--because it will oblige the neighboring settlers to leave their claims, as it takes in their hay ground and wood land. And fourth--because it is disadvantageous to all parties to have an Indian reserve so close to a business centre. A fifth reason might be added--because the land is needed by better men.

--The Bulletin, January 31, 1881.

The land upon which the Passpasschase Reserve came to be established was included within the vast area granted by King Charles II to the Hudson's Bay Company in 1670. Representatives of that company did not penetrate into the Edmonton district for almost a century, and when they did, there is no evidence to indicate that they attempted to extinguish any Indian rights to the soil.¹ The Proclamation of 1763 specifically exempted Rupert's Land from its provisions concerning the Indian Territory created west of the Appalachians.² Nevertheless, the Hudson's Bay Company was cognizant of the possibility that some aboriginal rights might be held to exist in its territories. It has purchased the Indian interest in some of the lands bordering on Hudson's Bay in the late seventeenth century.³ Lord Selkirk had made a similar treaty with the native tribes in the vicinity of the Red River in 1817.⁴ And, in the agreement whereby Canada purchased Rupert's Land in 1870, the Company was careful to exempt itself from any liability to compensate the Indians of the territory for lands required for settlement.⁵

¹E. E. Rich, Hudson's Bay Company, 1670-1870 (Toronto: McClelland and Stewart, 1960, Vol. I, pp. 62-63.

²Cumming and Mickenberg, Native Rights, p. 167.

³Morton, History of the Canadian West, pp. 50 and 67.

⁴Ibid., pp. 591-592. Morris, Treaties, pp. 13-15, 298-300.

⁵S. Northcote, G. E. Cartier and W. McDougall, Memorandum. "Details of Agreement between the Delegates of the Government of the Dominion and the Directors of the Hudson's Bay Company," March 22, 1869, pt. 8. Copy in P.A.C., Sir John A. Macdonald Papers (M.G. 26A), Vol. 101, No. 40061-40103.

When Canada acquired the North West, she did so with the clear intention of opening it to agricultural settlement. If such settlement were to proceed peacefully, it was apparent that some accommodation would have to be made with the Indian and Métis inhabitants of the arable portions of the territories and the Canadian approaches to them--a point that was driven home by the tragicomic events of 1869-70. The means by which the Canadian Government attempted to satisfy the Métis cannot be dealt with here, and its general policy towards the Indians of the North West must, of necessity, be dealt with summarily except as it is reflected by events of importance to the Passpasschase Band.

The administrations of John A. Macdonald and Alexander Mackenzie were perhaps not disinclined to concede that the Indians possessed certain ill-defined rights to the soil, and to extinguish the same before proceeding with the settlement of the country, but they were not predisposed to move hastily in the matter.⁶ Many of the

⁶Evidence for this statement is provided by the instructions given to William McDougall and to Adams Archibald upon their respective appointments as Governor of the North West Territories. E. A. Meredith, Under Secretary of State, to William McDougall, Sept. 28, 1869, P.A.C., Records of the Secretary of State for the Provinces (R.G. 6 C-1), Vol. 9, File 929. E. A. Meredith to A. Archibald, Aug. 4, [1870], P.A.C., Indian Affairs Records, Vol. 448. Macdonald was personally unwilling to give too much importance to Indian rights. John A. Macdonald to J. Rose, Dec. 5, 1869, P.A.C., Macdonald Papers, Letterbook 13, p. 646. In 1873, the Federal Government decided to postpone indefinitely the negotiation of any Indian treaties west of Manitoba. Alexander Campbell to Alexander Morris, Aug. 5, 1873; and same to same, Aug. 6, 1873, in Public Archives of Manitoba, Alexander Morris Papers, Items 38 and 39. The Liberal administration of Alexander Mackenzie was similarly reluctant to incur the expense of a treaty with the Blackfeet, unless it was absolutely necessary. A. Mackenzie to Lt. Governor Morris, (telegram) July 28, 1876, P.A.C., Alexander Morris Papers (Manitoba), Telegram Book No. 2.

Indians, by contrast, were anxious to have the matter settled. They had been greatly disconcerted when they learned that the Hudson's Bay Company had sold the lands they had always regarded as their own,⁷ and were prepared to take action to force recognition of their claims.⁸

Beginning in 1871, the Canadian Government negotiated a series of seven treaties with the Indians of its newly acquired territory, covering the territory from the height of land west of Lake Superior to the Rocky Mountains, and from the American border to the northern edge of the Saskatchewan River and Lake Winnipeg basins. The treaties were not easily concluded,⁹ and the Canadian authorities were compelled to

⁷See Sweetgrass's message to Governor Archibald, April 13, 1871, reprinted in Morris, Treaties, pp. 170-171, and the extensive discussion of this issue in the negotiation of Treaty 4 in 1874. Ibid., pp. 77-123.

⁸The Indians of the Lake of the Woods district insisted that no whites should cut timber on their lands until a treaty was made. Robert Pither [to Gov. Archibald], Oct. 14, 1870, in P.A.M., Archibald Papers, Item No. 34. The Indians near Portage la Prairie refused to allow Canadian immigrants to farm their lands until the Indian rights to it had been purchased. Rev. William Fletcher to Archibald, Oct. 25, 1870, ibid., Item No. 58. They threatened to seize the improvements of any settler who defied them: Moosoos, Notice witnessed by Fred Bird, Dec. 17, 1870, ibid., Item No. 150. Crees near Fort Carlton halted a geological survey party, and threatened to force the cessation of the construction of a telegraph line because the treaty which they had been promised had not been made: A. Morris, telegram to D. Laird, July 21, 1875; same to same, Aug. 3, 1875, both in P.A.C., Alexander Morris Papers (Manitoba), Telegram Book No. 2. Besides these threatened and threatening actions, there were many other pleas from Indian bands throughout the North West asking that the authorities make a treaty with them.

⁹Morris, Treaties, passim. Treaties 2 and 5 did not involve much hard bargaining. Treaty 2, however, was made with only a small proportion of the Indians living within the surrendered tract. Kenneth J. Tyler, "The Treaty-Making Process in Western Canada 1869-1877. A Preliminary Report: The First Western Treaties 1869-1872," an unpublished paper prepared for Treaty and Aboriginal Rights Research of the Indian Association of Alberta in June of 1974, and held in the T.A.R.R. office in Edmonton, Alberta.

concede considerably more generous terms than they had intended. In 1871, the Secretary of State for the Provinces, Joseph Howe, had instructed Commissioner W. M. Simpson to offer the Indians an annuity of \$2.40 per capita and reserves of an unspecified size, in return for the surrender of all aboriginal rights to the soil.¹⁰ This proved quite insufficient, and Simpson was obliged to promise a larger annuity, agricultural implements, livestock, and the maintenance of schools, in addition to certain other minor provisions.¹¹ Treaty Three, negotiated by Lieutenant Governor Alexander Morris in 1873, added a guarantee of Indian hunting and fishing rights on unoccupied Crown lands, and a yearly grant of ammunition and twine to aid them in these pursuits.¹² Three years later, Treaty Six, which was negotiated with the Cree Indians of the Saskatchewan River Valleys and adhered to by the Passpasschase Band, further added provisions for a medicine chest to be maintained by each Indian Agent, and for a small amount of food to be distributed for three years at seed time. It also contained a more ominous advance over terms of the earlier treaties: an equivocally worded guarantee of Government relief in the event of a general pestilence or famine.¹³ The buffalo, upon which the Plains Indians were heavily dependent for so many of the necessities of life, were rapidly

¹⁰Joseph Howe to W. M. Simpson, S. J. Dawson and Robert Pither, May 6, 1871; in P.A.M., Archibald Papers, Item No. 289.

¹¹Morris, Treaties, pp. 126-127, 313-320, and 338-339.

¹²Ibid., pp. 323-324.

¹³Ibid., pp. 354-355.

diminishing, and the spectre of impending starvation haunted the Crees.¹⁴ Alexander Morris, who negotiated the Treaty for the Canadian Government, reported that no agreement would have been possible without the inclusion of such a promise,¹⁵ and Mackenzie's cabinet was forced to accept this "unfortunate clause".¹⁶ The costly problem of keeping the North Western Indians from complete and utter starvation was to cast a long shadow over Indian administration in the decade following 1876.¹⁷

Chief Passpasschase and his Headman and brother, Tahkoots, signed an adhesion to this Treaty on August 21, 1877 at Fort Edmonton.¹⁸ Two hundred and two members of their Band accepted their annuities

¹⁴See P.A.C., Indian Affairs Records, Vol. 3668, File 10,490; Vol. 3671, File 10,836-2, passim.

¹⁵A. Morris to the Minister of the Interior, March 27, 1877, in P.A.C., Indian Affairs Records, Vol. 3636, File 6694-2.

¹⁶D. Laird to David Mills, April 17, 1878, in P.A.C., Indian Affairs Records, Vol. 3654, File 8904.

¹⁷The Canadian Government expended \$2,250,000 for relief to the starving Indians of Treaties 4, 6, and 7 in that period. John Schultz to Superintendent General of Indian Affairs, May 27, 1886, in P.A.C., Macdonald Papers, Vol. 154, No. 62807-62820.

¹⁸Morris, Treaties, pp. 360-361. Also, Canada, Privy Council, Order in Council, July 17, 1878, P.A.C., Privy Council Records, Series 1, Vol. 163, P.C. 619/1878. This Order in Council accepts the adhesion to Treaty of Chiefs Alexis and Alexander, who entered Treaty on the same occasion. It overlooks the adhesion of Passpasschase, however. Like many other Indian names, "Passpasschase" was spelled in a bewildering variety of ways. "Passpasschase," which is the spelling employed throughout this account, is the form most commonly employed in the Records of the Department of Indian Affairs. "Pahpastayo," however, was also frequently used, and it would appear to have been a closer representation of the actual Cree pronunciation. In the 1880's, government officials translated the name as "Woodpecker".

with them.¹⁹ Of this number almost a quarter, including the chief, were descended from John Quinn, or Kwenis, and his wife Lizette Gladu --two Cree Métis from the vicinity of Lesser Slave Lake.²⁰ This family had moved to Edmonton House in the late 1850's,²¹ where they undertook work for the Hudson's Bay Company and hunted in the Beaver Hills to the South East.²² The Quinn family, or the "Tah-coots outfit" as it was not affectionately denominated,²³ did not have an enviable reputation with other Edmonton residents. Tahkoots, called "The Murderer",²⁴ was

¹⁹Canada, Department of Indian and Northern Affairs, Genealogical and Archival Research Unit, Annuity Paysheets for Treaties 4, 6, and 7, 1874-1878 - Passpasschase Band; records in the possession of D.I.N.A., Ottawa.

²⁰Ibid., and P.A.C., Records of the Department of the Interior (R.G. 15), Vol. 1364, File "Quinney to Quintal". John Quinn had six sons: Passpasschase, alias John Gladu Quinn; Batteau, alias Charles Gladu Quinn; Tahkoots, alias William Gladu Quinn; Satooch, alias Edward Gladu Quinn; George Meecham, alias George Gladu Quinn; and Abraham Gladu Quinn. Passpasschase and Tahkoots both had more than one wife, and all six brothers had large families.

²¹See the Half-Breed Scrip Applications for Abraham Quinn, Charles Quinn or Gladu, George Quinn, John Quinns Gladu, Lizette Gladu Quinns; all July 31, 1886; and Edward Quinn, alias Gladu, July 28, 1886; in P.A.C. Interior Records, Vol. 1364, File "Quinney to Quintal." Passpasschase appears to have come to Edmonton in 1856, the others in 1858 or 1859.

²²Ibid. Also P. H. Belcher and John A. McDougall, petition to Sir John A. Macdonald, n.d., [January 13, 1881] in P.A.C., Indian Affairs Records, Vol. 3737, File 27,596. "Mass Meeting", The Bulletin, (Edmonton, N.W.T.), January 17, 1861, p.1.

²³"Edmonton", Saskatchewan Herald, (Battleford, N.W.T.), September 27, 1880, p.2. The Herald's Edmonton correspondent was Frank Oliver.

²⁴G. A. Simpson to the Superintendent General of Indian Affairs, December 1, 1880; in Canada, House of Commons, Sessional Papers for 1880-81, Vol. XIV, (No. 14), p. 108.

one important reason. Two visitors in 1870 told of four treacherous murders in which he had participated in that year alone,²⁵ all upon Sarcees and Blackfeet. One of these outrages brought about a short-lived Blackfoot attack on Fort Edmonton in retaliation.²⁶ The Hudson's Bay Company would attempt to purchase the safety of Blackfoot trading parties from Tahkoots and his friends, but this was not very successful. The marauders would take the bribe, but only honour the agreement if it suited them.²⁷

With the Quinn family there were associated other Cree who had come to live and hunt near Edmonton House: Cardinals, Brunneaus, Daigneaults, Decoynes, Gladus, Godins, Wards, Bernards, Batoches, Lapotacs, and others, many of whom had drifted west from the vicinity of Saddle Lake and Lac la Biche in the two decades previous to the treaty.²⁸ There were also pensioners of the Hudson's Bay Company--long-time servants who could no longer hunt or freight and women who were the widows or abandoned wives of Company employees, with their numerous children.²⁹ Most of these people were of mixed white and

²⁵Butler, Great Lone Land, pp. 259-260, and 388, and Harrison S. Young, "Impressions of Fort Edmonton," reprinted in the Alberta Historical Review, Vol. 13, No. 1, (Winter, 1966), pp. 22-25.

²⁶Young, "Impressions."

²⁷Butler, Great Lone Land, p. 388.

²⁸See the Half-Breed Scrip Applications for 1885, 1886, and 1900, in P.A.C., Interior Records, Vols. 1325-1371 passim, for further information on these families.

²⁹A. S. Morton, Canadian West, pp. 699-702; P. H. Belcher and John A. McDougall to Sir John A. Macdonald, n.d., [January 13, 1881], P.A.C., Indian Affairs Records, Vol. 3737, File 27,596; "Edmonton,"

Indian blood, and much would soon be made of this fact by the growing white community at Edmonton, but they were evidently quite distinct from the Métis communities at St. Albert and Lac Ste. Anne. While many could speak both English and French,³⁰ almost all were more comfortable in the use of the Cree language.³¹ While a few of them may have embraced the Catholic or Methodist faith,³² the great majority clung to the traditional Cree beliefs, and the Passpasschase Reserve appears to have been a centre for Indian religious dances and festivals.³³ The Oblate priest assigned to shepherd this band presented a pathetic picture, usually unable to locate his flock, and rarely persuading anyone to attend Mass.³⁴ Although they had been living in close proximity to one of the major centres of the North West for a quarter

Saskatchewan Herald, September 13, 1880, p. 3; "Mass Meeting," The Bulletin, January 17, 1881, p. 1.

³⁰"Indians?," Edmonton Bulletin, April 15, 1882, p. 2. Frank Oliver's Edmonton newspaper was originally titled The Bulletin and maintained that name from the date of its first issue on December 6, 1880, until mid-February of 1881. Commencing with the issue of February 21, 1881, the newspaper adopted the name of Edmonton Bulletin, which it employed thereafter.

³¹In almost every case the half-breed scrip application questions were translated into Cree for those members of the Passpasschase Band claiming to be Métis. This fact takes on added significance when it is remembered that at that time the applicants were anxiously trying to prove their white ancestry. P.A.C., Interior Records, Vols. 1325-1371 passim.

³²Ibid. Some baptismal certificates were presented to the Half-Breed Commission.

³³"Ooh-ne-pah-gua-see-moo-we-kah-mick," Edmonton Bulletin, July 8, 1882, p. 1; "The Thirst Dance," ibid., June 14, 1884, p. 3; untitled item, ibid., April 18, 1885, p. 2.

³⁴R. P. Zéph. Lizée, "Mon Journal Privé de 7-7-84 à 19-1-87," Alberta Provincial Archives, Edmonton, Oblate Papers, entries for

of a century by 1884, Indian Commissioner Edgar Dewdney still thought them "more Indian in action and appearance" than any he had met in some time.³⁵

It was this rather troublesome group which gave its adhesion to Treaty Six in August of 1877. M. G. Dickieson, clerk and general assistant to the Lieutenant Governor of the North West Territories, received the adhesion. He reported the Edmonton Bands³⁶ as generally willing to settle on reserves and to farm. The Indians were very poor, but he believed that some were industrious "(for Indians)".³⁷ They had been gardening with wooden spades and hoes, and were rather short of seed. Dickieson urged that help be extended to the Edmonton Bands, and obtained the promised cooperation of North West Mounted Police Inspector Jarvis.³⁸ He returned to the seat of government at Battleford, and a little aid was sent.³⁹ Lieutenant Governor and Indian Superintendent for the North West Territories, David Laird, recommended

août 12, 26, 28, and 29, 1886.

³⁵E. Dewdney to the Superintendent-General of Indian Affairs, November 10, 1884, in P.A.C., Indian Affairs Records, Vol. 3700, File 16,692-1.

³⁶Chiefs Alexis and Alexander with their respective Bands also entered the Treaty on August 21, 1877. See n. 18 supra.

³⁷M. G. Dickieson, memorandum, n.d., [September 14, 1877], in P.A.C., Indian Affairs Records, Vol. 3656, File 9092.

³⁸Ibid.

³⁹By June 30, 1878, Passpasschase's Band had received 1 plough, 1 harrow, 2 whipple tree sets, 8 trace chains, 4 scythes, 4 snaiths, 4 hay forks, 9 axes, 7 hoes, 5 spades, 5 sickles, 2 oxen, 2 carts with harness, 24 bushels of seed barley and 36 bushels of seed potatoes. Department of Interior, "Statement showing distribution of Implements, Cattle, Seed, Grain etc. to the Indians of Treaty No. 6, up to

that surveyors should be sent to lay out the Indian reserves in the near future,⁴⁰ but it was to be almost three years before any such action was undertaken in the Edmonton district.

In the meantime the Passpasschase Band was left to its own devices. Dickieson returned in September of 1878 to make the annuity payments⁴¹ prescribed by Treaty Six. He found that while about forty people had left the band, about seventy had joined it in the intervening year.⁴² Some of the Indians had tried to farm with their Treaty implements, but had done very poorly.⁴³ The chase still seemed a surer means of support.

But within twelve months, the chase was to fail completely. The buffalo disappeared from the Canadian Prairies north of Cypress Hills, and hungry bands of Crees and Assiniboines descended on Fort Edmonton. They soon had depleted the local game and were left in a starving condition.⁴⁴ They undoubtedly would have trekked the 220

30th June, 1878," in Canada, Sessional Papers for 1879, Vol. XII (No. 7), pt. 1, pp. 62-63.

⁴⁰David Laird to David Mills, November 19, 1877, P.A.C., Indian Affairs Records, Vol. 3656, File 9092.

⁴¹"Edmonton," Saskatchewan Herald, October 7, 1878, p. 1; "Edmonton," ibid., November 4, 1878, p. 1.

⁴²D.I.N.A., Annuity Paysheets for 1874-1878 - Passpasschase Band.

⁴³M. G. Dickieson to L. Vankoughnet, February 26, 1879, P.A.C., Indian Affairs Records, Vol. 3672, File 10,853 Vol. 1.

⁴⁴Ibid.; David Laird to E. A. Meredith, October 3, 1878, P.A.C., Indian Affairs Records, Vol. 3658, File 9399 1/2; David Laird to the Minister of the Interior, June 30, 1879, P.A.C., Indian Affairs Records, Vol. 3698, File 16,142.

miles to the only Indian Office in the Treaty, at Battleford, had not steps been taken to prevent the congregation of such a desperate multitude of Indians from all over the North West. The Hudson's Bay Company and Inspector Jarvis were authorized to distribute provisions on the Indian Branch's account at Edmonton and Fort Saskatchewan, as well as at many other localities. By June 30 of 1879, 3,700 lbs. of flour, 1,038 lbs. of pemmican, and 2,100 lbs. of pounded meat had been distributed at the two places named alone,⁴⁵ and much more had to be given before the year was out.

The body of men to whom the Canadian Government had entrusted Indian Affairs in the North West was totally inadequate to meet the growing crisis in the food supply of the North West Indians. Lieutenant Governor David Laird at Battleford was Indian Superintendent for the North West Territories. He had for his assistants two men: M. G. Dickieson, his young clerk, also at Battleford, serving as Agent for Treaty Six, and Captain Allan McDonald, at Shoal River, who was Agent for Treaty Four in what was to become Southern Saskatchewan. Laird realized that more men were needed, and recommended that some of the North West Mounted Police Officers, including Inspector Jarvis at Fort Saskatchewan, be given the authority to act as Indian Agents in addition to their police duties.⁴⁶ However, Minister of the Interior

⁴⁵M. G. Dickieson to the Minister of the Interior, July 21, 1879, P.A.C., Indian Affairs Records, Vol. 3697, File 15,678.

⁴⁶D. Laird to D. Mills, January 23, 1878, P.A.C., Indian Affairs Records, Vol. 3658, File 9399 1/2.

David Mills, who was already concerned that \$60,000 had been over-expended by the Indian Branch in the North West Territories in 1877, was not about to allow any appointments which might entail additional expense, and flatly rejected the proposal,⁴⁷ even though police officers had for some time been performing many Indian Branch duties.⁴⁸

The situation became a great deal worse when Mr. Laird resigned as Indian Superintendent on January 1, 1879.⁴⁹ He was weary of seeing his warnings that it would be necessary to feed the Indians or fight them, ignored,⁵⁰ somewhat uneasy about the heavy financial responsibilities of the office,⁵¹ and no doubt uncomfortable in the service of a new Conservative Ministry. The entire responsibility for the fulfilment of the terms of Treaties Four, Six and Seven, fell upon Mr. Dickieson,⁵² just as it was becoming apparent that a "general famine" such as was anticipated by the terms of Treaty Six, was settling over the North West.

⁴⁷D. Mills to D. Laird, March 26, 1878; and same to same, March 28, 1878, both in P.A.C., Indian Affairs Records, Vol. 3658, File 9399 1/2.

⁴⁸P.A.C., Indian Affairs Records, Vol. 3693, File 14,402 passim.

⁴⁹D. Laird to the Minister of the Interior, January 1, 1879, P.A.C., Indian Affairs Records, Vol. 3673, File 11,305. Laird's resignation was accepted with no expression of regret.

⁵⁰D. Laird to David Mills, April 17, 1878, P.A.C., Indian Affairs Records, Vol. 3654, File 8904; and same to same, April 17, 1878; D. Mills to D. Laird, May 22, 1878; both in P.A.C., Indian Affairs Records, Vol. 3664, File 9825.

⁵¹D. Laird to the Minister of the Interior, January 1, 1879, P.A.C., Indian Affairs Records, Vol. 3673, File 11,305.

⁵²P.A.C., Indian Affairs Records, Vol. 3673, File 11,305 passim.

The first steps taken by the government of Sir John A. Macdonald to alleviate this situation were halting ones. Two new Indian Agents were appointed for Treaty Six.⁵³ One of them, Molyneux St. John, a midnight appointee of the Mackenzie government to a position in Manitoba,⁵⁴ was redirected to take charge as Indian Agent at Edmonton.⁵⁵ He was ordered to proceed West with the least possible delay, in order to supervise the Indians' seeding operations, but, in July of 1879 he sent in his resignation without having ever left Winnipeg.⁵⁶ Desperately, Dickieson called upon Inspector Jarvis to distribute seed to those Indians who wished to farm, provisions to those who were starving, and the annuity monies to all who had entered Treaty in the Edmonton district.⁵⁷ Fortunately, the police officer agreed,⁵⁸ but he proved unable to provide the supervision required for

⁵³Canada, Privy Council, Order in Council, February 12, 1879, P.A.C., Privy Council Records, Series 1, Vol. 171, P.C. 231/1879.

⁵⁴Canada, Privy Council, Order in Council, October 8, 1878, P.A.C., Privy Council Records, Series 1, Vol. 166, P.C. 891/1878.

⁵⁵L. Vankoughnet to Molyneux St. John, February 21, 1879, P.A.C., Indian Affairs Records, Vol. 3648, File 8162-1.

⁵⁶M. St. John to the Minister of the Interior, July 8, 1879, P.A.C., Indian Affairs Records, Vol. 3648, File 8162-2. The other Agent appointed for Treaty 6, Edwin Allen, also refused to take up his post.

⁵⁷M. G. Dickieson to L. Vankoughnet, April 18, 1879, P.A.C., Indian Affairs Records, Vol. 3673, File 11,421. See also P.A.C., Indian Affairs Records, Vol. 3693, File 14,334 vol. 1, passim.

⁵⁸M. G. Dickieson to L. Vankoughnet, June 18, 1879, P.A.C., Indian Affairs Records, Vol. 3673, File 11,421.

the Indians' farming operations. In the autumn, it was reported that "the seed had been given [the Indians] last spring rather lavishly, and they had put it in as they received it, covering the ground, I am told, in some places half an inch thick."⁵⁹

By the summer of 1879, the Canadian Government had realized the necessity for a more comprehensive programme of assistance to the Indians of the Western Territories. Edgar Dewdney of Yale, British Columbia was appointed Indian Commissioner for Manitoba and the North West on May 30, 1879.⁶⁰ His duties were to carry out the terms of the Treaties under instructions from the Minister of the Interior, to represent the government in all matters relating to the management of the Indians and the amelioration of their condition, and to supervise all officers of the Indian Branch in Treaties Four, Six, and Seven.⁶¹ In addition, approximately thirty men were engaged as Farming Instructors to teach the Indians of the North West how to cultivate the soil. These men were also expected to raise crops that could be used to sustain the starving natives.⁶²

Mr. J. J. McHugh of the County of Russell, Ontario was

⁵⁹E. Dewdney to Col. J. S. Dennis, September 5, 1879, P.A.C., Indian Affairs Records, Vol. 3707, File 19,500.

⁶⁰Canada, Privy Council, Order in Council, May 30, 1879, P.A.C., Privy Council Records, Series 1, Vol. 176, P.C. 749/1879.

⁶¹Sir John A. Macdonald, memorandum to Privy Council, May 16, 1879, P.A.C., Indian Affairs Records, Vol. 3686, File 13,364.

⁶²L. Vankoughnet, circular to Farm Instructors, June 28, 1879, P.A.C., Indian Affairs Records, Vol. 3648, File 8162-2.

appointed Farm Instructor for the Indians near Edmonton. Mr. W. J. O'Donnell of the same place was named as his assistant.⁶³ The two arrived at Edmonton on October 4, 1879,⁶⁴ and had soon established themselves on the Rivière Qui Barre, about twenty miles north west of the Fort at the forks of the Lac La Nonne and Lac Ste. Anne trails.⁶⁵ McHugh was to remain at Qui Barre until the spring of 1881, when he was moved to Treaty Seven in Southern Alberta,⁶⁶ and eventually dismissed. Dewdney declared he had been conspiring with all the "sharpers" in the Canadian West.⁶⁷ O'Donnell, on the other hand, retained his position for almost two decades.

The farm instructors arrived at Edmonton a full month in advance of Colonel James Greene Stewart, the Agent who had been appointed to supervise them.⁶⁸ Stewart had been an officer of the Hudson's Bay Company in the Lake Winnipeg district for many years, and in 1879 resided near the city of Winnipeg. He was selected at

⁶³"The Indian Officers," Saskatchewan Herald, September 22, 1879, p. 2 and P.A.C., Indian Affairs Records, Vol. 3686, File 13,191 passim.

⁶⁴"Edmonton--Our News Letter," Saskatchewan Herald, November 17, 1879, p. 3.

⁶⁵Untitled item, Saskatchewan Herald, December 29, 1879, p. 1.

⁶⁶T. P. Wadsworth to Sir John A. Macdonald, December 1, 1881, P.A.C., Indian Affairs Records, Vol. 3574, File 156.

⁶⁷E. Dewdney to Sir John A. Macdonald, July 15, 1883, P.A.C., Macdonald Papers, Vol. 395, No. 189650-189652.

⁶⁸"Edmonton," Saskatchewan Herald, December 1, 1879, p. 1.

the instance of Dr. John Schultz, M.P. for Manitoba.⁶⁹

One of the first problems which confronted the new Agent on his arrival at Edmonton was the location of the proposed Passpasschase Reserve. The terms of Treaty Six were somewhat indefinite concerning the location of Indian reserves. It was clearly stated that the land to be set aside for this purpose was not to exceed one square mile for every five persons (128 acres per capita), but, as for location, it merely promised "That the Chief Superintendent of Indian Affairs shall depute and send a suitable person to determine and set apart the reserves for each band, after consulting with the Indians thereof as to the locality which may be found to be most suitable for them."⁷⁰

⁶⁹John Schultz, Joseph Ryan, and J. Dubuc to the Minister of the Interior, Ottawa, March 27, 1879, P.A.C., Indian Affairs Records, Vol. 3648, File 8162-1. Canada, Privy Council, Order in Council, July 26, 1879, P.A.C., Privy Council Records, Series 1, Vol. 179, P.C. 1097/1879.

⁷⁰Morris, Treaties, pp. 352-353. Neither the Treaty nor the Indian Act provided any clear indication of when and how an Indian reserve could be legally established. The surveyors, who consulted with the Indians and set out the boundaries of the reserves, seem to have received their instructions not from the "Chief Superintendent of Indian Affairs" but from the local Indian Affairs authorities. The reserves so surveyed were later confirmed by Order in Council. It is my opinion that in Treaty 6, the reserves became a legal entity with 'the approval' of the Order in Council, because of the all-encompassing provisions of the Dominion Lands Act and the power delegated to the Governor in Council therein to withdraw from its operation lands that have been or may be reserved for Indians. See Canada, The Indian Act, 1876, 39 Vic., Cap 18, Sec. 3vi and Canada, Statutes of Canada, The Dominion Lands Act, 1872, 35 Vic., Cap 23, Secs. 17-22 and 105. For another view on this question, however, see R. Bartlett, "The Establishment of Reserves in Saskatchewan," unpublished paper prepared for the Federation of Saskatchewan Indians (1975), and held in the Treaty Rights Research office of the Federation in Regina, Saskatchewan.

The Passpasschase Band at first decided to ask for their reserve to be set out about six to ten miles up Whitemud Creek (presumably somewhere west of present-day Ellerslie),⁷¹ but later reconsidered, and declared their desire to have the land immediately across the North Saskatchewan from Fort Edmonton. The proposal was not met in a friendly spirit by the white and Métis settlers who had taken up claims in that vicinity.⁷² Both Indians and settlers took their respective cases to Colonel Stewart, who appears to have supported the wishes of the Passpasschase Band.⁷³ Emboldened by their Agent's attitude, the band turned on the most vulnerable of the settlers. Angus McDonald, a forty-year veteran of the Hudson's Bay Company's service, had determined to take up farming in the spring of 1879. He decided to stake out a claim near the Two Hills,⁷⁴ which was soon to be near the centre of the area claimed by Chief Passpasschase and his followers. In his first season, McDonald put up a shanty for his living quarters, and broke and fenced five or ten acres. Early in the spring of 1880, the Indians warned him not to attempt to make any further improvements,

⁷¹"Edmonton," Saskatchewan Herald, December 29, 1879, p. 1.
 "Indians?," Edmonton Bulletin, April 15, 1882, p. 2.

⁷²"Edmonton," Saskatchewan Herald, December 29, 1879, p. 1.
 W. F. King, D.L.S., report to Lindsay Russell, Surveyor General, January 16, 1879, in Canada, Sessional Papers for 1879, Vol. XII (No. 7), pt. II, p. 17.

⁷³"Edmonton," Saskatchewan Herald, December 29, 1879, p. 1;
 "Edmonton," ibid., April 26, 1880, p. 1.

⁷⁴The "Two Hills" can still be seen, one north and one south of 51st Avenue, at about 106th Street. In 1879, it was still necessary to stake out claims in the Edmonton district, because no Dominion Lands Surveyors had yet laid out any land in the area. See "Edmonton," Saskatchewan Herald, June 30, 1879, p. 4 and "Edmonton," ibid., April 26, 1880, p. 1.

on what they declared to be their reserve.⁷⁵ Prudently, McDonald heeded the advice of the Indians. He continued to reside in his shanty and cultivate this small area, however, until his residence was destroyed by fire in the summer of 1884. The ex-Hudson's Bay Company employee contended that the Indians had committed arson to drive him out, but could produce no evidence to support such a charge. He eventually accepted \$200 as compensation from the government.⁷⁶ Nevertheless, the warning given to Angus McDonald by the Passpasschase Band in 1880 was viewed as a foretaste of things to come by the less isolated settlers on the south bank of the river.⁷⁷

Stewart had more pressing problems than the location of proposed reserves, however. Chief among them was the necessity to prevent the starvation of the Plains Indians. The Agent arrived as winter was closing in, and the provisions on hand were quite inadequate to feed the thousands of Crees and Stoneys who would not be able to find enough fish and game to keep themselves alive. The Hudson's Bay Company, on the other hand, was well supplied with foodstuffs and quite willing to sell them to the government at the high prices current at such isolated

⁷⁵"Edmonton," Saskatchewan Herald, April 26, 1880, p. 1.

⁷⁶W. Anderson to the Indian Commissioner, December 27, 1884; Hayter Reed to the Superintendent General of Indian Affairs, January 15, 1885; E. Dewdney to the Superintendent General, February 7, 1885; W. McGirr to the Superintendent General, March 23, 1885, all in P.A.C., Indian Affairs Records, Vol. 3705, File 17,956.

⁷⁷"Edmonton," Saskatchewan Herald, April 26, 1880, p. 1.

posts. Stewart had soon incurred a magnificent debt on the government's behalf. He was later to claim, with a great deal of justice, that this was unavoidable, and there can be no denying that the suffering amongst the Plains Indians during the winter of 1879-1880 was intense. But the newly installed Agent added to the account small items such as raisins, sugar, and chocolate which his superiors were sure to regard as extravagant. Furthermore, the bands nearest Edmonton received an inordinate share of the bounty. The Passpasschase Band, as the closest group to Fort Edmonton, was especially favoured. Stewart insisted that while it might be true that these Indians had received more food than any others, he had made them work for it.⁷⁸ Other Edmontonians did not see things in the same light, however. Frank Oliver, the Edmonton correspondent for the Saskatchewan Herald, reported that Chief Passpasschase and his brothers,

. . . previous to the 'civilizing' policy of the Dominion Government and its generous distribution of provisions to the destitute Indians, were able to do a good day's work at anything where plenty of muscle was required. Since that time, however, they have found out a trick worth two of going to work, and a dollar and a-half and grub has lost its charms for them. . . .

They had a good time of it last winter: nothing to do but to hitch up their horses and drive over to the Indian Agent's store and get their rations.⁷⁹

⁷⁸For the whole question of the government's dismissal of Stewart for incompetence and extravagance, see P.A.C., Indian Affairs Records, Vol. 3695, File 14,875. Also, "Edmonton," Saskatchewan Herald, April 26, 1880, p. 1; L. Vankoughnet to Sir John A. Macdonald, October 4, 1880; same to same, October 14, 1880; in P.A.C., Macdonald Papers, Vol. 293, No. 134064-134065 and No. 134073-134075 respectively; "Edmonton Agency," Edmonton Bulletin, January 3, 1881, p. 2.

⁷⁹"Edmonton," Saskatchewan Herald, September 27, 1880, p. 2.

A few months later, however, when Oliver saw that the government could also be attacked for its persecution of Stewart, his new newspaper, The Bulletin, was to assert that Colonel Stewart had not spent any more public money than had been necessary.⁸⁰

While the large expenditures would certainly have jeopardised his future with the Indian Branch, it was Stewart's incompetence in financial affairs that sealed his fate. He seems to have been perpetually confused as to the amounts he had received from the government, and the purposes for which they were to be expended. What was worse, he had adopted the simple expedient of charging his personal bills to the government account, and carelessly extending permission to his superiors to deduct such amounts from his salary. This might have been somewhat more acceptable had not these personal bills sometimes amounted to several hundred dollars in excess of his wages. Even before Indian Commissioner Dewdney arrived to investigate the large expenditure for rations, the Deputy Superintendent General of Indian Affairs, Lawrence Vankoughnet, had decided to suspend the Agent for these personal irregularities.⁸¹ Stewart was still in office, however, when Mr. George A. Simpson, D.L.S., arrived to survey the boundaries of the Indian reserves in the district. The Surveyor made the laying out of Passpasschase's Reserve his first order of business. The Chief had somewhat moderated his earlier stand, and now asked for a reserve two miles south of the North Saskatchewan. Simpson convinced him and

⁸⁰"Edmonton Agency," Edmonton Bulletin, January 3, 1881, p. 2.

⁸¹See P.A.C., Indian Affairs Records, Vol. 3695, File 14,875.

his band to retreat a further two miles from the river bank. Upon being informed that 241 persons had been recognized as members of the band at the previous year's annuity payments,⁸² Simpson calculated that the Indians were entitled to a reserve of 48 square miles, and promised Passpasschase that area. The survey was commenced on August 2, 1880.⁸³

August 2 was also the date on which Inspector T. P. Wadsworth⁸⁴ elected to pay the Passpasschase Band their annuity monies for 1880.

The Saskatchewan Herald described what happened:

On the 2nd of August Mr. Wadsworth went across the river to the Two Hills, three miles distant, to pay Papastayo's Band, but that chief wished it distinctly understood that he would not take any money that day--that he wanted something to eat, and then wanted to talk. . . . Well, he talked, and talked big; he wanted a great many things that the agent could not promise him. Next day he was ready to talk again, but the agent wanted to pay them their money; and on this issue they split. Papastayo could not get what he wanted, so he would not take any money. The agent then recrossed the river to pay the bands on this side, while the chief made many threats as to what he would do that night. However, before Mr. Wadsworth had finished paying them, [the bands north of the river,] Papastayo hauled in his horns and asked Mr. Wadsworth to consider what he had said on the previous occasion as nothing more than the wind that passes by, never to return again.⁸⁵

⁸²Actually there had been 249. D.I.N.A. Annuity Paysheets for 1879 - Passpasschase Band. This population would have entitled the Passpasschase Band to a reserve of 49.8 square miles.

⁸³George A. Simpson to the Superintendent General of Indian Affairs, December 1, 1880, in Canada, Sessional Papers for 1880-81 Vol. XIV (No. 14), pp. 107-111.

⁸⁴Wadsworth was the Department of Indian Affairs' Inspector of Indian Farms and Agencies for the North West Territories. Appointed in 1879, he was generally at odds with Indian Commissioner Dewdney, and later, Hayter Reed, but was in frequent close contact with Lawrence Vankoughnet, the Deputy Superintendent General of Indian Affairs, who was also generally hostile to Dewdney.

⁸⁵"Edmonton," Saskatchewan Herald, September 13, 1880, p.3.

The Chief's wind did return, however, as soon as he discovered the full extent of Mr. Wadsworth's revenge. When the Inspector recrossed the North Saskatchewan, he did not, in fact, commence to pay other bands. Rather he began paying one newly created band, henceforth to be known as "Edmonton Stragglers." This new grouping included the followers of Tommy La Potac and of Mahminawatow, who were later to form Enoch's Band. It also included the Indian wives and children of white or Métis residents of Fort Edmonton. More significantly, the stragglers were joined by eighty-four members of the Passpasschase Band, who had feared that their Chief's actions might deprive them of their annuities. Thus, in spite of a large number who had joined Passpasschase since the 1879 payments, his band's population plummeted from 249 to 188.⁸⁶ Doubtless with a certain satisfaction, Mr. Wadsworth informed Surveyor Simpson that, as the Passpasschase Band's population had declined a great deal, no more than forty square miles should be allocated to it as a reserve.⁸⁷ As for the stragglers, Wadsworth declared that since they were merely Indians who loitered about Edmonton, they could not expect any land to be set aside for their benefit.⁸⁸

⁸⁶D.I.N.A. Annuity Paysheets for 1879 - Passpasschase Band, Annuity Paysheets for 1880 - Edmonton Stragglers, and Annuity Paysheets for 1880 - Passpasschase Band. Sixty-six persons appear on the Passpasschase Band paysheets for 1880 who cannot be identified as having been with the band at earlier payments, but 49 persons, who had been paid in 1879, did not appear on either the Passpasschase or Edmonton Stragglers paysheets for 1880. Of the 84 former Passpasschase persons paid with the Edmonton Stragglers in 1880, 28 were orphans at the Roman Catholic Mission at St. Albert. Evidently the band with whom these were paid was entirely at Wadsworth's discretion.

⁸⁷G. A. Simpson to the Superintendent General, December 1, 1880, in Canada, Sessional Papers for 1880-81, Vol. XIV (No. 14), pp. 108-109.

⁸⁸T. P. Wadsworth [to the Indian Commissioner], September 30,

No trouble occurred until Mr. Simpson's party began to run the south and final boundary line of the Passpasschase Reserve. Realizing that he was not receiving the forty-eight square miles originally promised him, the Chief ordered the surveyors to stop. When they did not, he removed their instruments, and declared that he would not allow them to continue.⁸⁹ Mr. Wadsworth suspended Passpasschase from his chieftainship, but Commissioner Dewdney soon arrived to reinstate him.⁹⁰ But Dewdney would not support the band's claim to eight additional square miles, and told the Indians that their reserve would not be completed that year, if ever.⁹¹

The citizens of Edmonton were delighted. Frank Oliver reported that if Chief Passpasschase could not get what he wanted, he would not take anything at all.

Now, this just suits the people around here, and especially those settlers on the south side of the river, to whom, with the reserve so close behind them, it would have been a hard hit. They have now some hopes that upon inquiries being made they [the Indians] will not have it quite so much their own way and might even be sent to the country they originally came from.⁹²

1880, extract in Canada, Sessional Papers for 1880-81 Vol. XIV (No. 14), pp. 87-88. And D.I.N.A., Annuity Paysheets for 1880 and for 1881 - Edmonton Stragglers.

⁸⁹G. A. Simpson to the Superintendent General, December 1, 1880, in Canada, Sessional Papers for 1880-81, Vol. XIV (No. 14), pp. 108-109. "Edmonton," Saskatchewan Herald, September 13, 1880, p. 3; "Edmonton," ibid., September 27, 1880, p. 2.

⁹⁰"Edmonton," Saskatchewan Herald, September 27, 1880, p. 2.

⁹¹G. A. Simpson to the Superintendent General, December 1, 1880, in Canada, Sessional Papers for 1880-81, Vol. XIV (No. 14), pp. 108-109.

⁹²"Edmonton," Saskatchewan Herald, September 27, 1880, p. 2.

Surveyor George Simpson quite agreed with this assessment.

I think they [Passpasschase's followers] fear the band will dwindle down to so few that it will be broken up. This would probably be the best thing that could happen, as it is principally composed of stragglers, who are both impudent and lazy, and their residence in a prosperous settlement would be detrimental to its advancement.⁹³

Not everyone was so sure that Mr. Wadsworth had acted wisely, however. Colonel Stewart, recently deposed as Indian Agent, declared that it was not fair to deprive the stragglers of lands as promised by the Treaty, nor would it be wise to create a separate reserve for them which would only increase the anger of non-Indians. He declared that the Inspector's clever revenge would cause more trouble than had been imagined.⁹⁴ Stewart's successor, William Anderson, also was concerned that the "Stragglers" would not be allotted any reserve land.

This is manifestly unjust, and will in the near future give much trouble, as it is beginning to be understood.

I am pleased to say that the Indians at present have reliance on the good faith of the Government, and I should regret to see it lost.⁹⁵

The question of what rights to grant the Edmonton Stragglers was not finally settled until 1885, when the great majority of them took Half Breed Scrip and forsook their Indian status.

⁹³G. A. Simpson to the Superintendent General, December 1, 1880, in Canada, Sessional Papers for 1880-81, Vol. XIV (No. 14), p. 109.

⁹⁴Jas. G. Stewart to the Superintendent General, September 7, 1880, P.A.C., Indian Affairs Records, Vol. 3695, File 14,875.

⁹⁵W. Anderson, report to the Superintendent General of Indian Affairs, December 13, 1881, in Canada, Sessional Papers for 1882, Vol. XV (No. 6), p. 85.

Seeing that the Passpasschase Band had sunk a good deal in the estimation of government officials, the people of Edmonton made several attempts to have the reserve moved to a distant location. The first such move occurred early in 1881. At a crowded meeting of Edmonton and district settlers held on January 13, 1881, at the Edmonton Hotel, the question of the Indian reserve on the south side of the river was discussed at some length. The consensus was that the Passpasschase Band should be removed to a location twenty miles back from the river on the west side of Hay Lakes, and a petition was forwarded to Prime Minister Sir John A. Macdonald to that effect citing the arrogance of Chief Passpasschase in terminating Simpson's survey, the "alien" nature of the Indians of the band, the hardship that would be imposed upon settlers living south of the river, and the inadvisability of allowing a reserve so close to a "great central point" such as Edmonton.⁹⁶ Frank Oliver's newly established Bulletin⁹⁷ enthusiastically promoted the cause of the settlers in its news columns and editorials. On the Monday following the meeting the newspaper published a major editorial on the subject of "Indian Reserves" which recapitulated the settlers' case and ended with a revealing exhortation:

Now is the time for the Government to declare the reserve open and show whether this country is to be run in the interests of the settlers or the Indians.⁹⁸

⁹⁶"Mass Meeting," Bulletin, January 17, 1881, p. 1; P. H. Belcher and John A. McDougall to Sir John A. Macdonald, n.d., [January 13, 1881] in P.A.C., Indian Affairs Records, Vol. 3737, File 27596.

⁹⁷The first issue was published on December 6, 1880.

⁹⁸"Indian Reserves," Edmonton Bulletin, January 17, 1881, p. 2.

The Federal Government, however, was not moved by this agitation. After consulting with Commissioner Dewdney, Lawrence Vankoughnet, the Deputy Superintendent General of Indian Affairs, replied to the petitioners that it would be impossible to force the Passpasschase Indians to take their reserve elsewhere without breaking faith with them. The most he could promise the Edmontonians was that the surveyor would take care, when completing the reserve, to lay it out in such a manner as to interfere as little as possible with the settlers' claims and timber lands.⁹⁹

This was not quite the end of the matter. The Bulletin, with the support of many local settlers, continued to campaign fitfully against the Indian reserve. On some occasions it attempted to be reasonable:

The Indians' side of the story is that at Ft. Pitt, where the bargain was made with these Indians, Lieut. Governor Morris promised that they should be allowed to choose their reserves where they pleased, so long as they were not on land previously settled, and that a certain amount of land should be allowed for each family. They accordingly chose this place and they refused to allow the surveyor to finish his work because they understood that he was not giving them the amount to which the treaty entitled them. This is all true enough and they are of course legally entitled to the land. But, in making this bargain with them Governor Morris, who had never seen and had no idea of the country, made a great mistake, as every one must acknowledge, and the sooner the mistake is rectified the better. These people if approached in a proper manner and at a proper time could be induced for a very reasonable consideration to take the reserve elsewhere. . . .¹⁰⁰

⁹⁹L. Vankoughnet to E. Dewdney, March 19, 1881; E. T. Galt to the Superintendent General, May 11, 1881; L. Vankoughnet to P. H. Belcher and John A. McDougall, May 27, 1881; all in P.A.C., Indian Affairs Records, Vol. 3737, File 27596.

¹⁰⁰"That Reserve," Edmonton Bulletin, September 30, 1882, p. 2.

At other times, it was insulting and indignant:

. . . when a treaty was made with any band of Indians in the Saskatchewan many of the lower class of half-breeds in the vicinity, for the sake of the treaty money, caused themselves to be enrolled as Indians, . . . These people, although they may live with the Indians and take the treaty money, and, although they are not whites, have not the same nature as the true Indian, and join the bands not because they do not know and cannot do any better, but because they think they can live easier in that way than by working honestly for their livings as they had always been obliged to do before. To give these men treaty money is simply putting a premium on laziness. They have, to a great extent, the grasping nature of a white man coupled with the indolence of the Indian, and these two qualities combined generally produce, if not a thief at least a dishonest man. To allow such men to join the bands gives them a chance to exercise an influence over the real Indians which must of necessity be anything but good. Instead of their superior intelligence being used to instruct and improve the Indians--to make them more industrious and independent--it is used to make them more dependent on the Government and more generally useless. These men are the lawyers of the bands and put the rest up to new dodges by which to get greater concessions from the Government. They joined the bands to get out of working and seem determined that neither they nor any of the others shall work if they can help it. It is uphill work to instruct, improve and civilize pure Indians, who have neither education nor religion, but it is far harder to deal with men who have both to a limited extent, but do not wish to exercise either.

Of this class, principally, are the Edmonton [Passpass-chase] and Lac Ste. Anne [Michell] bands of alleged Crees. Most members of the Edmonton band speak English and French as well as Cree and previous to the treaty considered themselves half-breeds and worked for their living like other people, but when the treaty was made and they saw an opportunity of getting a nice grant of valuable land and an annuity of \$5 apiece, they took the chance and since then have been a nuisance to both the Government officials and settlers in the neighborhood. . . . Besides all this they have drawn Government rations on all occasions when they could get them.

The Lac Ste. Anne band, also mostly half-breeds, before the treaty were doing pretty well, cultivating considerable patches of land near the lake and working when they could get an opportunity, but since then they have quit farming and working and gone into the business of starving and dunning the Government for grub, occasionally making threats of violence, one of which they carried out lately by shooting the farm instructor's cow.

It is high time this sort of work was put an end to. It

is foolish to try to civilize a man who makes himself a savage in order to receive the benefit of this attempt at civilization. The fact of his doing so is proof positive that his intelligence is quite up to the standard, but that his moral nature is too far down to ever be reached by any argument short of main force. Let these people understand that there is nothing to be gained by being Indians and they will soon cease to claim to be such. Instead of allowing them all they ask, so that they will not stir up ill feeling among the real Indians, as has been the practice heretofore, a sharp distinction should be drawn between those who don't know how to work and can't and those who do know how but won't and when they proceed to violence, as in this cow-shooting case, they should be made to feel, to its full extent, the heavy hand of the law, and when their wishes are contrary to the public benefit, as in the case of the Edmonton reserve, there is no reason why their rights as Indians --which they are not--should not be overridden by the rights of other half-breeds or whites.¹⁰¹

The Bulletin's words were not without effect. Shortly after the last-quoted editorial appeared, threats to squat on the "supposed Indian reserve" were freely indulged in by settlers on the South Bank of the North Saskatchewan.¹⁰² In January of 1883, a second petition against the reserve was entrusted to Rev. Father Leduc, to carry to the authorities in Ottawa. This time, the representation was completely ignored.¹⁰³

In response to this agitation, and similar instances across the North West, the Commissioner of the North West Mounted Police found it advisable, in July of 1883, to issue a general order calling upon the

¹⁰¹"Indians?," Edmonton Bulletin, April 15, 1882, p. 2.

¹⁰²"South Side," Edmonton Bulletin, April 22, 1882, p. 2.

¹⁰³See "Public Meeting," Edmonton Bulletin, January 27, 1883, p. 3 and "Public Meeting," ibid., July 28, 1883, p. 4.

members of his force to render every possible assistance to the officials of the Department of Indian Affairs, whenever the latter might require aid in preventing squatting by non-Indians upon reserves.¹⁰⁴ This did not put an end to all threats of trespass, however. Later that year the members of Passpasschase's Band began to complain that the Crown Timber Agent for Edmonton was issuing permits to local settlers allowing them to cut timber on the Indian reserve.¹⁰⁵ The Timber Agent eventually relented, but only after a lengthy appeal to the Deputy Minister of the Interior, reciting all of the familiar arguments against the reserve, and a great deal of misinformation besides.¹⁰⁶

While there was nothing in the stand maintained by the officials of the Department of Indian Affairs which encouraged the Edmontonians,¹⁰⁷ there were other straws in the wind which did provide some

¹⁰⁴Fred White, Comptroller of the N.W.M.P., to Lt.Col. Irvine, N.W.M.P., July 4, 1883, P.A.C., Records of the North West Mounted Police (R.G. 18), Vol. 1007, File 362.

¹⁰⁵William Anderson to Thomas Anderson, November 27, 1883, P.A.C., Indian Affairs Records, Vol. 3728, File 25,705.

¹⁰⁶Thomas Anderson to the Deputy Minister of Dominion Lands [sic], December 6, 1883; Thomas Anderson to William Anderson, March 11, 1884; both in P.A.C., Indian Affairs Records, Vol. 3728, File 25,705. Thomas Anderson claimed that almost all of Passpasschase's people had "returned" to their places on other reserves; that orphans from the mission were included in the population; and that only six families remained on the reserve site. All of this was false.

¹⁰⁷See, for example, E. Dewdney to the Superintendent General, April 28, 1884, P.A.C., Indian Affairs Records, Vol. 3728, File 25,705.

grounds for hope that the Indian reserve might be removed to a more distant location. In the summer of 1882, the land composing the reserve was subdivided into quarter sections. This was not done when Dominion Land surveyors encountered other Indian reserves.¹⁰⁸ In addition, there appeared to be a faction within the band that was willing, or even eager, to move. Chief Passpasschase's notorious brother Tahkoots, was apparently intriguing to split up the band and take a fresh reserve.¹⁰⁹ Commissioner Dewdney investigated, only to discover that while many of Passpasschase's followers were eager to

¹⁰⁸"South Side Reserve," Edmonton Bulletin, August 2, 1884, p. 2; John C. Nelson to the Superintendent General, October 20, 1890, Canada, Sessional Papers for 1891, Vol. XXIV (No. 18), pt. 1, pp. 146-148; Thomas Anderson to the Deputy Minister of the Interior, December 6, 1883, P.A.C., Indian Affairs Records, Vol. 3728, File 25,705. This subdivision survey could be the source of a good many legal complications. Under the terms of the Dominion Lands Act in force in 1882, certain portions of any subdivided townships automatically became reserved as school lands upon the completion of the survey. Other lands became vested in the Hudson's Bay Company as soon as an official notice of the completion of survey was forwarded to the Land Commissioner of the Hudson's Bay Company. In the case of the Passpasschase Reserve, official notices were sent, and the Company later exchanged their quarter sections for land elsewhere. See P.A.C., Indian Affairs Records, Vols. 3837 and 3838, File 68,970 passim. The survey of the Indian reserve was not completed until 1884. The land was not confirmed as an Indian reserve by Order in Council until May 1889, six months after the Indians surrendered it, and the land was not "withdrawn from the operation of the Dominion Lands Act," by Order in Council, until 1893, four years after the surrender process had been completed. Canada, Privy Council, Orders in Council, May 17, 1889 and June 12, 1893, P.A.C., Privy Council Records, Series 1, Vol. 419, P.C. 1151/1889, and Vol. 560, P.C. 164/1893 respectively.

¹⁰⁹Robert Sinclair to E. Dewdney, August 7, 1884, P.A.C., Indian Affairs Records, Vol. 4491 (Letterbook), p. 645. The file containing this letter has been lost.

obtain a new reserve in the Beaver Hills, there was no willingness whatsoever to surrender a portion of their land at the Two Hills in return.¹¹⁰

The only effect of the series of trespasses instigated by the Crown Timber Agent, and the intrigues of Headman Tahkoots seems to have been the long delayed completion of the Passpasschase Reserve survey.¹¹¹ John C. Nelson, the Department of Indian Affairs' Chief Surveyor for the North West, completed the south boundary in August of 1884. The band had to be satisfied with forty square miles, rather than the forty-eight it had been promised four years earlier. On the other hand, the Department did not keep its promise to the Edmonton settlers that the reserve boundaries would be altered in such a manner as to minimize the hay and timber lands received by the Indians. Nelson merely completed Simpson's lines.¹¹² By all accounts, the Passpasschase Reserve contained some of the finest land in the district, well supplied with timber and hay. It was traversed by the Calgary and Hay Lake Trails, and any railroad approaching Edmonton from the south would, of necessity, be constructed through it.¹¹³

¹¹⁰ Edgar Dewdney to the Superintendent General, November 10, 1884, P.A.C., Indian Affairs Records, Vol. 3700, File 16,692 vol. 1.

¹¹¹ L. Vankoughnet to E. Dewdney, May 21, 1884, P.A.C., Indian Affairs Records, Vol. 3728, File 25,705.

¹¹² John C. Nelson to the Indian Commissioner, December 31, 1884, P.A.C., Indian Affairs Records, Vol. 3703, File 17,728.

¹¹³ Ibid.; "Indian Reserves," The Bulletin, January 17, 1881, p. 2; "Indian Reserves," Edmonton Bulletin, April 8, 1882, p. 2.

The completion of the survey appeared to smother the agitation by Edmonton settlers against the Indian reserve, but there was not an end to the difficulties with the people for whom the land was intended. The most serious issue for the Indians and the government, and the one most productive of disputes, was the vexing question of food.

Treaty Six had reached an apex of obscure and equivocal language in its guarantee

. . . that in the event hereafter of the Indians comprised within this treaty being overtaken by any pestilence, or by a general famine, the Queen, on being satisfied and certified thereof by her Indian Agent or Agents, will grant to the Indians assistance of such character and to such extent as her Chief Superintendent of Indian Affairs shall deem necessary and sufficient to relieve the Indians from the calamity that shall have befallen them.¹¹⁴

The Edmonton Bulletin, never considered the Indian's staunchest defender, clearly perceived the core of the difficulty posed by this clause:

The literal reading of this is that the commissioner need not give an ounce of provisions in any case if he does not feel so disposed, while the Indians take it to mean that whenever they are in want their wants shall be relieved. The Indians consider that whatever provisions they receive under this clause they receive as a treaty right, while the agents consider that it is given as a favor and there are no obligations to give any at all, hence the continual demands and refusals and general clashing. If the clause only means what the agents consider it does, it means simply nothing, and there was no reason for its insertion unless as a blind, while on the other hand the interpretation put upon it by the Indians is only reasonable . . . It was only natural that when they were in a position to make their own terms they should stipulate that the government through which they might be deprived of one means of subsistence should supply them with another.¹¹⁵

¹¹⁴Morris, Treaties, p. 354.

¹¹⁵"The Indians," Edmonton Bulletin, August 4, 1883, p. 2.

While the Passpasschase Indians were largely House People, and originally Woods Cree, they had hunted buffalo for years with the St. Albert Métis, and had been joined by many Plains Indians.¹¹⁶ Thus, though the disappearance of the buffalo did not have such a devastating effect on this band as on others, it too suffered some hardships as a result. Furthermore, Chief Passpasschase seems to have often acted in concert with Plains Cree chiefs whose people had been all but totally dependent upon the buffalo for survival.

That animal was not to be found in any numbers north of the Cypress Hills, after 1879.¹¹⁷ A general famine, such as had not previously been seen, descended upon the prairies. Colonel Stewart had been severely reprimanded for his extravagance in attempting to meet this crisis. His successor, William Anderson, was determined to avoid any such criticism. Even Frank Oliver's newspaper, quick as it was to point out Indians who had gone into the "business of starving," was bitter in its condemnation of the hard-hearted Indian Agent.¹¹⁸ The same general meeting which called for the removal of the Passpasschase

¹¹⁶William A. Fraser, "Plains Cree, Assiniboine and Saulteaux (Plains) Bands 1874-84," (1963) - unpublished paper in the possession of the Glenbow-Alberta Institute, Calgary.

¹¹⁷"Edmonton," Saskatchewan Herald, July 28, 1879, p. 3. Exhaustive and exhausting detail on the history of the North American bison can be found in Frank Gilbert Roe, The North American Buffalo: A Critical Study of the Species in its Wild State, (Toronto: University of Toronto Press, 1951).

¹¹⁸There are many examples, but see especially, "The Indian Scare," and "Latest From Hay Lakes," The Bulletin, January 10, 1881, pp. 2 and 1 respectively; "Local," ibid., January 24, 1881, p. 3; "Local," ibid., January 31, 1881, pp. 3 and 4; and "The Indians," Edmonton Bulletin, August 4, 1883, p. 2.

Reserve in January of 1881, also caused a telegram to be sent to Ottawa drawing attention to the misery and wretchedness of the Indians about Edmonton and petitioning for an enquiry into the management of Indian Affairs in the district. The Bulletin reported:

Settlers in the out-lying districts are becoming alarmed for the safety of their families and stock--for they know that no one can blame the Indians if they resort to force to obtain food. The same number of white men if placed in their position would have had it long ago.¹¹⁹

It is difficult to know whether this petition and others like it had any effect. Department of Indian Affairs officials, caught between the very real needs of the Indians and the political necessity of maintaining government expenditures in the North West at a level that would be tolerated by Central Canada,¹²⁰ anxious that temporary emergency relief not evolve into a permanent welfare system,¹²¹ and hindered by the primitive transportation and communication systems of the North West, were easy prey for critics on all sides. On one occasion complaints were made to Commissioner Dewdney that settlers were compelled to feed and clothe starving Indians. He replied:

The fact of the Indians being fed and clothed by white settlers is a reason why many Indians desire to leave their reserves. So long as settlers feed Indians off the reserves, just so long must they expect them to loiter around the settlement. Work is always to be found on the reserves.¹²²

¹¹⁹"Mass Meeting," The Bulletin, January 17, 1881, p. 1.

¹²⁰Canada, Debates of the House of Commons, Session 1882, 26 April, 1882, p. 1186.

¹²¹Ibid., Session 1880, 3 May, 1880, p. 1942.

¹²²"Local," Edmonton Bulletin, November 3, 1883, p. 1.

To which the Edmonton Bulletin dryly retorted:

The only fault to be found with this way of putting the case is that although work may be always found on the reserves food is not, and it is food, not work, that keeps an Indian alive. An Indian is such a strange creature.¹²³

While it cannot be said that the relations between the Edmonton Indians and their Agent improved greatly after the severe winter of 1880-1881, it was not until 1883 that tensions reached their highest point. Midway through another difficult winter, Chiefs Passpasschase, Bobtail, Samson, and Ermineskin, together with others from Tommy La Potac's (Enoch's) and Ironhead's (Paul's) Bands, approached Rev. Father Scollen to write a letter for them to the Minister of the Interior, Sir John A. Macdonald, which was to be published in the Edmonton Bulletin. Scollen was a defiant, and often insulting man who seemed to enjoy being the centre of controversy.¹²⁴ The epistle was somewhat too florid to appear authentic, but the sentiments expressed were genuine enough. The Indians expressed their fear that the government was attempting to exterminate them slowly by starvation, and reminded those in authority that they would rather die quickly by violence than slowly from lack of food. They drew attention to the much better-fed Black-foot Indians to the south of them, who were always well-armed and ready to threaten violence if not properly treated, and intimated that the

¹²³Ibid.

¹²⁴See P.A.C., Indian Affairs Records, Vol. 3673, File 10,986.

Crees would soon follow this example.¹²⁵

On the basis of this letter, and other reports that Father Scollen was stirring up the Indians, Agent Anderson took his complaints to the North West Mounted Police. Captain Gagnon, in charge of the detachment at Fort Saskatchewan, expressed a willingness to arrest the priest at once, but after some deliberation it was concluded that an appeal should first be made to Bishop Grandin. Scollen, for his part, heatedly denied all insinuations that he had incited the Indians, insisted that he had considerably understated the violent statements of the Indians who had dictated the letter, and claimed that he had only agreed to write it for them when they threatened to loot the government stores if he refused.¹²⁶

If any proof were needed that the Indians did not require white agitators to make serious complaints concerning the quantity of food they were receiving, it was provided within a very few months. In July of 1883, the Indians from near Bear's Hills (now Hobbema), unable to support themselves by hunting, and finding their farm instructor, Samuel Lucas, without any provisions to sustain them, determined to pay Indian Agent Anderson a visit at Edmonton. En route they were joined by Chief Passpasschase and several members of his band, who were in a similar condition. A deputation of four Indians was then selected

¹²⁵Chief Bobtail, Chief Samson, Chief Ermineskin, Chief Woodpecker, Maminonatan [should be Mahminawatow], Agowastin, Siwiyawiges, Ironhead, William, to the Minister of the Interior, January 7, 1883; in Edmonton Bulletin, February 3, 1883, p. 3. Copy also in P.A.C., Indian Affairs Records, Vol. 3673, File 10,986.

¹²⁶P.A.C., Indian Affairs Records, Vol. 3673, File 10,986.

to confront the Indian Agent and demand food for the bands. Anderson coolly replied that he had no provisions (which was true); that even if he had some he would not give them any; that they knew better than to expect to be fed away from their reserves; and that they should return home where the farm instructor would supply their wants. Knowing full well that there was no food for them on their reserves, the whole body of Indians next confronted the Agent. Anderson repeated his earlier position. A great commotion ensued. The infuriated Indians wrenched William Anderson out of his chair, and replaced him with the unwilling Samuel Lucas, in order to signify their desire for a change of Agents. The farm instructor tried to explain that their hands were tied by higher officials, but the Indians had turned again on Anderson, demanding food. The Agent insisted he had none, but his visitors declared that there was plenty of food at the Hudson's Bay Company's store, and demanded that Anderson purchase some on his own credit. Anderson refused and the threats grew more ugly. Finally an Indian by the name of Grasshopper grabbed the Agent by the arm and forcibly dragged him from the Agency building into the Hudson's Bay Company's fort. There an arrangement was eventually made to have the company advance a certain amount of provisions to the Indians on the security of the coming autumn's annuity payments.¹²⁷

The next day, Anderson sent a frantic message to Captain Gagnon at Fort Saskatchewan asking him to hasten to Edmonton with all his men.

¹²⁷"Indians," Edmonton Bulletin, July 28, 1883, p. 4 and "The Indians," ibid., August 4, 1883, p. 2.

He declared that "the Indians took forcible steps to coerce me in my duty as Indian Agent and were utterly beyond control." He also opined that "it will probably be necessary to swear in forty or fifty men and shew the Indians that they are not the masters of the situation."¹²⁸

Gagnon rushed into Edmonton with his entire contingent of eight, only to find that the Indians had departed and were camped across the river. The police officer summoned them back, and they returned to a meeting the following morning, "in full war paint and equipment."¹²⁹ After an introductory dance involving a great deal of gun firing and shouting, the debate began. Passpasschase acted as spokesman for the Indians, giving his version of the events of two days previous and demanding that Anderson be replaced. He was followed by many others who reiterated what he had said. The Agent for his part insisted that he had not wished to imply that he would not feed the Indians, but merely that he would not feed them away from their reserves. Eventually Captain Gagnon called a halt to the long discussion. He treated the Indians to another issue of provisions from Police stores before sending them away, and advised them that they had gone about attempting to change their Agent in the wrong manner. He declared that they should have made their complaints known to the Indian Commissioner, and trusted him to set matters right.¹³⁰

¹²⁸W. Anderson to Capt. Gagnon, July 25, 1883, P.A.C., North West Mounted Police Records, Vol. 1008, File 447.

¹²⁹Capt. Gagnon to the Commissioner, N.W.M.P., August 1, 1883, P.A.C., North West Mounted Police Records, Vol. 1008, File 447.

¹³⁰Ibid., and "Indians," Edmonton Bulletin, August 4, 1883, p. 2.

The Indians left for their reserves apparently satisfied, but several threw out hints that they would not be so compromising in the future, and a rumour soon reached Gagnon that he had better not interfere on the next occasion on which the Indians confronted their Agent, unless he wished to fight them in earnest.¹³¹ The citizens of Edmonton had been very frightened, and the Bulletin no doubt reflected their beliefs when it declared:

Had it not been a case in which one party was scared and the other daren't the circus would have opened right there. In future a very little more desperation on the one hand or confidence on the other and Canada will have a first-class Indian war upon her hands.¹³²

Edgar Dewdney publicly blamed the incident on white agitators,¹³³ and privately declared that the Edmontonians were greatly exaggerating the possibility of an Indian outbreak in order to stimulate a great expenditure of public money in the town.¹³⁴ In spite of such sentiments the Edmonton ruckus was the first of a series of such confrontations involving food, (including the much more serious Crooked Lakes incident in January and February of 1884, and the confrontation on Poundmaker's Reserve in the summer of that same year), which eventually forced the government to provide more liberal issues of rations to hungry bands.¹³⁵

¹³¹Ibid.

¹³²"The Indians," Edmonton Bulletin, August 4, 1883, p. 2.

¹³³E. Dewdney to the Superintendent General of Indian Affairs, October 2, 1883, Canada, Sessional Papers for 1884, Vol. XVII (No. 4), pt. 1, p. 101.

¹³⁴E. Dewdney to John Pope, October 10, 1883, P.A.C., Macdonald Papers, Vol. 211, No. 89941.

¹³⁵For more information on the Crooked Lakes incident, see

In the wake of this incident, relations between the Department of Indian Affairs officials and the Passpasschase Band did begin to improve. The more friendly attitudes were formed at an important time, for, to the east of Edmonton, events were building towards the North West Rebellion. Tahkoots, in particular, came to enjoy close relations with the officials of the Edmonton Indian Agency.

There was a great deal of unrest in the North West in 1884. On the South Branch of the Saskatchewan, near Batoche, the Métis were agitating for a second issue of half-breed scrip and other concessions. As for the Indians, there were numerous signs that some new movement was at work, but no white man knew either its objectives or the means that might be in contemplation for their achievement. In the Treaty Four area of what is now Southern Saskatchewan, Chief Piappt, still not finally settled upon a reserve, unsuccessfully attempted to hold a grand council of Indians to discuss promises which had allegedly been omitted from the text of their Treaty.¹³⁶ Further north, in the Treaty Six district, Chief Big Bear at Fort Pitt, also not yet settled at a specific location, had successfully resisted an attempt to starve his band into choosing a reserve site,¹³⁷ and was working in concert with

Kenneth J. Tyler, "A History of the Cowessess Band: 1874-1911," unpublished paper prepared for the Federation of Saskatchewan Indians, Treaty Rights Research Division, (1975), pp. 26-33. A copy of this paper is held by the Federation in its Treaty Rights Research office in Regina, Saskatchewan. Information on the confrontation on Poundmaker's Reserve can be found in P.A.C., Indian Affairs Records, Vol. 3576, File 309A and 309B. See also, "Local," Edmonton Bulletin, May 3, 1884, p. 1 re more liberal rations.

¹³⁶Tyler, "A History of the Cowessess Band," pp. 33-34.

¹³⁷P.A.C., Indian Affairs Records, Vol. 3576, File 309A and 309B and "Local," Edmonton Bulletin, January 19, 1884, p. 1.

Chief Little Pine of Battleford and others to prepare some sort of confrontation with government officials that would alter the prevailing Indian policy.¹³⁸ While government officials attempted to keep informed through a variety of sources, one very interesting clue as to the extent and intentions of this movement came through Headman Tahkoots of Passpasschase's Band.

On June 5, 1884, the Pound, a member of Passpasschase's Band,¹³⁹ commenced to hold a thirst dance on his reserve, in thanksgiving for the recovery from serious illness of his eldest daughter, or so the Bulletin reported.¹⁴⁰ The ceremony appears to have been one of the most popular events of the season, for Indians travelled from the vicinity of Egg Lake (now Whitford Lake, near Andrew, Alberta), Saddle Lake, Bear's Hills, and even more distant points to attend. While the dance was supposed to be one of celebration, Chief Passpasschase did not appear to enjoy himself greatly. In fact, he displayed considerable nervousness. He was too quick to assure the Indian Agent that the band was not squandering its rations in dancing, rather than working, and even asserted that the members of his band were not participating in the ceremony, but merely allowing it to be held on their reserve. (This was clearly not the case, as the dance had been called by a

¹³⁸See John L. Tobias; "Interim Report on the Little Pine/Lucky Man Band," unpublished paper prepared for the Federation of Saskatchewan Indians, Treaty Rights Research Division, (1974). A copy of this paper is held by the Federation in its Treaty Rights Research office in Regina, Saskatchewan. Also W. B. Fraser, "Big Bear, Indian Patriot," in Donald Swainson (ed.), Historical Essays on the Prairie Provinces, The Carleton Library, (Toronto/Montreal: 1970), pp. 71-88.

¹³⁹D.I.N.A., Annuity Paysheets for 1884 - Passpasschase Band.

¹⁴⁰"The Thirst Dance," Edmonton Bulletin, June 14, 1884, p. 3.

member of the Passpasschase Band, and Tahkoots had been featured as one of two dancers around the centre pole just hours before.¹⁴¹ The Chief also wished it noticed that he had maintained perfect order, and promised that no appeals for provisions would be made to the Agent on account of the dance.¹⁴²

The cause of the nervousness was no doubt the presence of a group of thirteen young men from Big Bear's Band led by one Papastis. As soon as the speeches by the Chiefs had concluded, this group commenced what the Bulletin declared to be a "war dance." The newspaper described the visitors as:

. . . clad for the most part in nature's vestments, fantastically ornamented with paint and feathers, [they] marched to the tent to the music of drums, sleigh bells, and firearms. They formed a circle around the pole and began a war dance, which resembles the famed Red river jig, except for the noise. A more perfect representation of pandemonium cannot be imagined; the leader going around shooting off his rifle and the rest dropping down one by one at each shot, representing the men he had killed in battle. Each of the twelve apostles told of his valiant deeds, amid loud cries of approval from the onlookers.¹⁴³

The dance was not unusual, but there was an uneasy feeling about that Papastis and his companions had not travelled so far merely to celebrate the recovery of the Pound's daughter, nor to entertain the gathered crowds. The first indication as to the real object of the

¹⁴¹Ibid. In the dance around the centre pole, folds of skin on the dancer's chest were pierced with wooden awls, and strips of hide were attached to these and then fastened to the top of a pole. The celebrant then danced around the pole, leaning back at intervals until he had pulled himself loose.

¹⁴²Ibid.

¹⁴³Ibid.

visit came through the Indian Agency clerk, Mr. John A. Mitchell. After a conversation with Tahkoots on the second day of the dance, Mitchell reported that Big Bear wished to have a number of Indians go up to Ottawa and settle their grievances there. Tahkoots had also heard that Big Bear was working in concert with Piapot and a certain unnamed Assiniboine chief.¹⁴⁴

On June 9, the day after the dance had terminated, Tahkoots sent William Anderson a very curious and somewhat garbled letter. No doubt transcribed by a semi-literate interpreter, it indicated that Papastis had brought a message that asked for more than companionship on a journey to Ottawa. Tahkoots' letter to the Agent, apparently containing the reply to Big Bear at its end, is reproduced below.

Sir I wish to tell you some thing about us Crees. Big Bear sent me tobacco to give my consent to join him in war path and all the tribes out in the prairies. It is out on Sweet grass hills thair [they] are to meet, it is the Couteney's [customary way] first starting sending tobacco to different Bands we all believe thaire is going to be a Indian War with the Whites. I Takoot got Tobacco from Mr. Carey's store to day to send back to Big Bear by Papasschase who is going down to B Toord [Battleford] to tell him I can't see in the thing to give my consent Because the Whiteman allways treats us well & kind & never murdered us since we made Peace with them I will not Consent. I send my best wishes to you all down thare Big Bear thing [think] on your Children & you peopul & you Piepot the same smoke this tobacco & stop this excitement. I am Takoots your Friend I neve [never] seen you yet & you seeam to know me.¹⁴⁵

¹⁴⁴W. Anderson to the Indian Commissioner, June 6, 1884, P.A.C., Indian Affairs Records, Vol. 3687, File 13,772.

¹⁴⁵[Tahkoots to W. Anderson], June 9, 1884, P.A.C., Indian Affairs Records, Vol. 3576, File 309B and Vol. 3745, File 29,506 pt. 1. The first reference is to the apparent original letter received by Anderson which he forwarded to the Indian Commissioner. The second reference is to the copy of the letter forwarded to Ottawa by Dewdney. The quotation above is from the first reference, while the words in

Two weeks later, Anderson forwarded this communication on to his superiors with the addendum that it confirmed other reports to the same purport.¹⁴⁶ The Department replied that Tahkoots was to be specially commended for his conduct in the matter.¹⁴⁷ This was no doubt done, but if Tahkoots received any further information concerning Big Bear's activities, he did not again communicate it to the government.

Whether Big Bear planned armed confrontation or peaceful protest, the outbreak of rebellion in March of 1885 caught Big Bear, and the Indians of the North West by surprise.¹⁴⁸ News of Riel's victory at Duck Lake was carried across the Prairies by Métis runners, hoping to enlist the Indians to their cause. According to the Bulletin, Passpasschase's Band had been informed of the news before the first telegram on the subject had arrived. Tahkoots, again, had informed the Agent.¹⁴⁹ Apart from Riel's runners, the Indians had other, less

square brackets are Dewdney's rendering of the original. The handwriting is difficult to decipher, and the Commissioner's version of the letter is no doubt very nearly correct, but it is possible to wonder whether "Couteney's" might not have referred to the Kootenay Indians, rather than a garbled version of "customary way."

¹⁴⁶W. Anderson to the Indian Commissioner, June 23, 1884, P.A.C., Indian Affairs Records, Vol. 3576, File 309B.

¹⁴⁷R. Sinclair to E. Dewdney, August 4, 1884, P.A.C., Indian Affairs Records, Vol. 3576, File 309A.

¹⁴⁸Fraser, "Big Bear, Indian Patriot;" W. B. Cameron, On the War Trail of Big Bear, (London: 1926).

¹⁴⁹"Local," Edmonton Bulletin, April 4, 1885, p. 1. See also J. M. Rae, telegram to the Indian Commissioner, March 22, 1885, P.A.C., Indian Affairs Records, Vol. 3584, File 1130-1A. This telegram from the Indian Agent at Battleford, states that Riel had sent runners to Battleford, Big Bear's Camp at Frog Lake, and Edmonton, declaring that

reliable, means of keeping informed of events. On April 18, 1885, the

Edmonton Bulletin reported:

Tah-koots, of the Two Hills band, has been making medicine and prophesys that five hundred soldiers will be here on Tuesday next. He forgot to state whether they were to be whites or Indians.¹⁵⁰

While the Indians might have been restless during the course of the outbreak to the east, many whites in Edmonton were in a state approaching panic. One rumour flew to the effect that the St. Albert half-breeds were holding secret meetings,¹⁵¹ another said that the St. Albert Métis wished to enroll themselves on the side of the government, but had been dissuaded by the Roman Catholic clergy.¹⁵² It was declared by some that the Hudson's Bay post at Lac Ste. Anne had been looted, and by others that the establishment had had an exceptional and peaceful trade with the Indians.¹⁵³ Imminent attacks on Fort Edmonton were continually predicted.¹⁵⁴

the Métis had commenced war, even before the engagement at Duck Lake.

¹⁵⁰Untitled item, Edmonton Bulletin, April 18, 1885, p. 2.

¹⁵¹James McDougall, George A. Simpson and H. Griesbach, telegram to E. Dewdney, March 21, 1885, P.A.C., Indian Affairs Records, Vol. 3585, File 1130-12.

¹⁵²W. Anderson to E. Dewdney, April 15, 1885, P.A.C., Indian Affairs Records, Vol. 3585, File 1130-12.

¹⁵³Ibid. There are two letters of the same date from Anderson to Dewdney in this file. The first reports the looting; the second denies it.

¹⁵⁴W. Anderson to the Indian Commissioner, April 9, 1885, P.A.C., Indian Affairs Records, Vol. 3585, File 1130-12 and "Local," Edmonton Bulletin, April 25, 1885, p. 1.

Indian Agent William Anderson was among those most frightened by the swirl of events. While other Agents, whose Indians were no less restless than the Edmonton Bands, were constantly travelling from reserve to reserve, dispelling rumours, conferring with the different chiefs, and pacifying the young men of their bands,¹⁵⁵ Anderson removed all his supplies to the Hudson's Bay Company storehouse, locked up the Agency office, and huddled with his "necessary" books and papers inside the Hudson's Bay Company fort.¹⁵⁶ He did provide the Passpass-chase and Enoch's Bands with two yoke of work oxen apiece in order to keep them occupied,¹⁵⁷ and even managed to win the praise of the Bulletin, on one occasion, for his refusal to provide food and transportation for a delegation of Enoch's and Alexander's Indians who had come to the fort to see him.¹⁵⁸ But his principal contributions to the pacification of the district were to make continuous pleas to Dewdney for more arms, more ammunition, more food for the besieged whites, and

¹⁵⁵For example, it seems quite clear that the strenuous efforts of Agent Allan McDonald in Southern Saskatchewan, and special agent C. E. Denny among the Blackfeet were instrumental in obtaining important pledges of loyalty from the Indians at critical times. See P.A.C., Indian Affairs Records, Vol. 3584, File 1130-3A and Vol. 3585, Files 1130-3B and 1130-15.

¹⁵⁶W. Anderson to the Indian Commissioner, April 15, 1885; W. Anderson to E. Dewdney, April 15, 1885; both in P.A.C., Indian Affairs Records, Vol. 3585, File 1130-12.

¹⁵⁷Ibid.

¹⁵⁸"Local," Edmonton Bulletin, April 25, 1885, p. 1.

a strong force of men to protect them.¹⁵⁹ When all danger had passed, Anderson next became fearful that the government would treat the rebels too leniently. He declared that if this were done there would be no safety in future for any Indian Agent or farm instructor. "Nothing can be done unless terror is struck into them." He further declared that:

In fact, I can see by their behavior at the present time, that the Indians who have not joined the late depredations have a saucy independent manner with them, and appear to think they have been fools for not joining in the murders and plunder and be better off, and think they would not have been justly punished for their misdeeds as they have an idea the whites are afraid to punish them.¹⁶⁰

The Agent also allowed that he had a little list of those Indians who had done "much mischief in this District" so that they might be suitably punished, even though the amount of damage done in the Edmonton Agency was almost negligible.¹⁶¹

¹⁵⁹See W. Anderson's letters to the Indian Commissioner dated April 19, April 15, April 15, May 18, and May 20, 1885, all in P.A.C., Indian Affairs Records, Vol. 3585, File 1130-12.

¹⁶⁰W. Anderson to the Indian Commissioner, June 3, 1885, P.A.C., Indian Affairs Records, Vol. 3585, File 1130-12.

¹⁶¹Ibid. For example, the damage allegedly done on the Passpasschase Reserve amounted to \$18.23. This amount consisted entirely of lost farm implements and carpenter's tools--such small items could very easily have been lost at any time during the winter or spring, and it is questionable if even these small losses could in any way have been attributed to the rebellion. See J. Ansdell Macrae, "Memo of loss of property (received from the Indian Department) During the rebellion of 1885. Passpasschase's Band . . ." December 1, 1885, P.A.C., Indian Affairs Records, Vol. 3720, File 22,897.

Commissioner Dewdney did not treat the alarmist reports of Agent Anderson very seriously.¹⁶² Peace had been maintained in the Agency, although Anderson had done little or nothing to help keep it. When the troubles were over, the Commissioner was more anxious to reward the loyal Indians of the district than to punish any who might have done minor mischief.¹⁶³ In this regard, the man most frequently praised for maintaining peace among his band was Chief Passpasschase. While a few members, led by Tahkoóts, were described as idle and restless,¹⁶⁴ and ready to go to where the fighting was raging,¹⁶⁵ the Chief was credited with keeping the greater part of his band steadily at work.¹⁶⁶ In the end he received a reward of two yoke of oxen for his loyalty, and was the only Indian in the Edmonton Agency to be so

¹⁶²E. Dewdney to Sir John A. Macdonald, May 1, 1885, P.A.C., Macdonald Papers, Vol. 212, No. 90226; L. Vankoughnet to E. Dewdney, July 9, 1885, P.A.C., Indian Affairs Records, Vol. 3585, File 1130-12.

¹⁶³E. Dewdney to Agent, Edmonton, August 5, 1885, P.A.C., Indian Affairs Records, Vol. 3585, File 1130-12.

¹⁶⁴W. Anderson to E. Dewdney, May 20, 1885 and W. Anderson to the Indian Commissioner, October 7, 1885, both in P.A.C., Indian Affairs Records, Vol. 3585, File 1130-12.

¹⁶⁵"Local," Edmonton Bulletin, April 18, 1885, p. 1.

¹⁶⁶W. Anderson to the Indian Commissioner, October 7, 1885 and S. B. Lucas to the Indian Commissioner, April 15, 1885, both in P.A.C., Indian Affairs Records, Vol. 3585, File 1130-12. Hayter Reed to the Superintendent General, January 25, 1886, P.A.C., Indian Affairs Records, Vol. 3710, File 19,550-4. W. Anderson to the Superintendent General, August 26, 1885, in Canada, Sessional Papers for 1886, Vol. XIX (No. 4), pp. 70-72.

honoured.¹⁶⁷ Even the Edmonton Bulletin was pleased.¹⁶⁸

Passpasschase's behaviour in keeping his band steadily at work was all the more remarkable in that the government had never been satisfied with its previous efforts in this direction. In 1880 the band had bestirred itself to plant twenty-four acres of crops and in 1881 band members had increased their exertions to the point where they had sown thirty-two acres.¹⁶⁹ But this progress was not continued. The area planted declined in 1882,¹⁷⁰ and no progress was reported thereafter until the Rebellion. Indian Reserve Inspector T. P. Wadsworth was especially critical of the band's attitude:

Being mostly half-breeds and very indolent, they will not work more than to keep body and soul together, and not at all if fed by the Government.¹⁷¹

Commissioner Dewdney agreed, and declared that the bulk of the band was "a worthless lot."¹⁷²

¹⁶⁷Hayter Reed to the Superintendent General of Indian Affairs, January 25, 1886, P.A.C., Indian Affairs Records, Vol. 3710, File 19,550-4.

¹⁶⁸"Local," Edmonton Bulletin, June 26, 1886, p. 1.

¹⁶⁹E. Dewdney, "Farming Agencies and Indian Reservations," n.d., [January 1, 1882], Canada, Sessional Papers for 1882, Vol. XV (No. 6), pp. 44-53.

¹⁷⁰Canada, D.I.A., "Farming Agencies and Indian Reservations," (1882), Canada, Sessional Papers for 1883, Vol. XVI (No. 5), pp. 264-275.

¹⁷¹T. P. Wadsworth report to the Superintendent General, December 9, 1882, Canada, Sessional Papers for 1883, Vol. XVI (No. 5) p. 181.

¹⁷²E. Dewdney to the Superintendent General, November 10, 1884, P.A.C., Indian Affairs Records, Vol. 3700, File 16,692 vol. 1.

While only a few of the band attempted to farm,¹⁷³ a good many attempted to support themselves by hunting near Hay Lakes and the Beaver Hills.¹⁷⁴ Indeed, Inspector Wadsworth acknowledged that "excepting at the time of the annuity payments the band is hard to find."¹⁷⁵ Others occasionally worked for settlers,¹⁷⁶ or for the Department of Indian Affairs.¹⁷⁷ A few survived as beggars or prostitutes around Fort Edmonton.¹⁷⁸

These modes of living were not likely to gain approval from officials of the Department of Indian Affairs, but if the government expected the band to farm, it had a few shortcomings of its own to answer for. As late as 1884, the Indians of the Edmonton Agency had

¹⁷³Ibid. T. P. Wadsworth to the Superintendent General, October 25, 1884, Canada, Sessional Papers for 1885, Vol. XVIII (No. 3), pp. 145-146.

¹⁷⁴"Local," Edmonton Bulletin, November 4, 1882, p. 1.

¹⁷⁵T. P. Wadsworth to the Superintendent General, October 9, 1883, Canada, Sessional Papers for 1884, Vol. XVII (No. 4), p. 126.

¹⁷⁶E. Dewdney, "Number of Indians in the North-West Territories, and their whereabouts on the 31st December, 1882," December 15, 1882, Canada, Sessional Papers for 1883, Vol. XVI (No. 5), pp. 201-203.

¹⁷⁷L. Vankoughnet and Robert Sinclair, "Return C.5 - Indians of Manitoba and the North-West Subsidiary Statement L," June 30, 1882, Canada, Sessional Papers for 1883, Vol. XVI (No. 5), pt. II, p. 167.

¹⁷⁸"South Side Reserve," Edmonton Bulletin, August 2, 1884, p. 2 and T. P. Wadsworth to Edgar Dewdney, February 1, 1884, P.A.C., Indian Affairs Records, Vol. 3640, File 7452 vol. 3.

not received their full complement of farm implements according to the terms of Treaty Six.¹⁷⁹ Chief Passpasschase and his followers drew attention to this breach of faith on a couple of occasions, before measures were taken to set things right.¹⁸⁰ Nor had the band received the services of a farm instructor. While no promise had been made in the treaty on that score, such instruction was usual for most bands which had settled on their reserves. Technically, Passpasschase's Indians were placed under the guidance first of S. B. Lucas at Peace Hills¹⁸¹ and later of W. J. O'Donnell of Rivière Qui Barre,¹⁸² but both were far off, and neither seem to have paid any attention to the band. Mr. J. Shields, a former North West Mounted Policeman, was appointed farm instructor shortly after the rebellion, but he was not of much assistance. Inspector Wadsworth reported that the Indians knew how to farm as well as their Instructor did, and suspected that Shield's primary function had been to issue rations on a much more regular basis than the government would approve of.¹⁸³ The Instructor resigned in

¹⁷⁹Sir John A. Macdonald to the Marquis of Lansdowne, Governor General, January 1, 1884, Canada, Sessional Papers for 1884, Vol. XVII (No. 4), p. xi.

¹⁸⁰Bobtail et al. to the Minister of the Interior, January 7, 1883, Edmonton Bulletin, February 3, 1883, p. 3, and "The Indians," Edmonton Bulletin, August 4, 1883, p. 2, and untitled item, Edmonton Bulletin, March 15, 1884, p. 1.

¹⁸¹See E. Dewdney, "Farming Agencies and Indian Reservations," (January 1, 1882), Canada, Sessional Papers for 1882, Vol. XV (No. 6), pp. 44-53.

¹⁸²E. Dewdney, "Statement shewing the names and number of labourers employed on Indian Farms in the N.W.T. . . ." n.d. [May, 1882], P.A.C., Indian Affairs Records, Vol. 3598, File 1387.

¹⁸³T. P. Wadsworth to E. Dewdney, October 26, 1885, P.A.C., Indian Affairs Records, Vol. 3717, File 22,550-2.

July of 1886.¹⁸⁴

In spite of Wadsworth's disparagement, considerable agricultural progress was made by Chief Passpasschase and his followers in 1885. Sixty-eight acres were planted¹⁸⁵ and a good crop harvested.¹⁸⁶ While this figure was well below the acreages cultivated by the smaller Alexander's, Enoch's, and Michel's Bands, it was still more than double the area of any previous year. There was to be no opportunity to see if such progress would continue, however. Before the crops could be harvested the following year, the Passpasschase Band would be near disintegration as the result of a grant from the Government of Canada which all but a handful were eager to accept--the issuance of North-West Half-Breed Scrip.

¹⁸⁴"Local," Edmonton Bulletin, July 17, 1886, p. 1.

¹⁸⁵T. P. Wadsworth to E. Dewdney, October 26, 1885, P.A.C., Indian Affairs Records, Vol. 3717, File 22,550-2.

¹⁸⁶Better than 20 bushels of wheat to the acre. See "Farming Agencies and Indian Reservations," (1885), Canada, Sessional Papers for 1886, Vol. XIX (No. 4), pp. 204-205 and 212-213.

CHAPTER III

DISINTEGRATION

The tribal system, which the treaty has greatly strengthened, is the curse of the Indian and the great bar to his civilization. The present desire of the Indians as well as half-breeds to leave the treaty is an opportunity to let the system fall to pieces of its own accord without cost or trouble to the country, and nothing can be more injudicious than to throw any obstacles in the way.

--Edmonton Bulletin, July 10, 1886.

The grant of Half-Breed Scrip arose out of the complex question of Métis claims. The problem had first arisen in Manitoba, where persons of mixed white and Indian blood, who were not recognized as Indians, or did not wish to be so recognized, demanded some compensation for the extinguishment of their aboriginal claims to the land in the province. The Métis, like the others in the Red River Settlement, were entitled to retain the river lots they occupied. In addition, 1,400,000 acres were set apart as Half-Breed Reserves, and, in 1871, the Half-Breed Land and Scrip Commission began to grant 240 acres to every child of a Métis head of family. In 1874, it was decided to bestow an additional 160 acres on the Métis heads of family. The Commission would give the Métis applicant a certificate which entitled him to his allotment of land within the Half-Breed Reserve, and this certificate was known as "land scrip." The 1,400,000 acres were not sufficient for the Manitoba Métis, and so the government began to issue "money scrips" for \$240 and \$160. These scrips were not actually cash, but rather another type of certificate which entitled their holders to the stated amounts towards the purchase of any unoccupied Crown lands in the province.¹

The programme had not worked well in Manitoba. Instead of providing a secure economic base for the next generation of Manitoba Métis, it actually worked to increase that generation's insecurity. The heads of families usually sold their scrips at a discount to specu-

¹Marcel Giraud, *Le Métis Canadien. Son rôle dans l'histoire des provinces de l'Ouest*, (Paris: Institut d'Ethnologie, 1945) pp. 1116-1124, 1212-1218. Morris Zaslow, *The Opening of the Canadian North, 1870-1914*. (Toronto: McClelland and Stewart, 1971), pp. 20-21.

lators and settlers. Before long, the proceeds had been squandered and the original scrip claimant and his children were left with nothing. Many of these people then moved west to the valley of the South Saskatchewan, where agitation for a second scrip issue was soon commenced.² The Dominion Government resisted this demand for some time, but finally in March of 1885, as the menace of open rebellion grew, it capitulated.³

There were to be a number of differences between the Manitoba and North West scrip programmes. In the Territories no attempt was made to establish Half-Breed Reserves, and land scrip could be located on any unoccupied sections open for homestead entry. The grant would be available in either the "land" or "money" variety, at the rate of 240 acres or \$240 for each child of a Métis head of family born before July 15, 1870, and 160 acres or \$160 to each Métis head of family, as in Manitoba, but, as the price of Dominion Lands had recently been doubled to \$2 per acre,⁴ a decided disadvantage would accrue to those choosing the "money" type. On the other hand, "land scrip" had to be applied to a specifically located tract of land, and was not readily transferable.⁵

²Ibid. Also see George F. G. Stanley, The Birth of Western Canada: A History of the Riel Rebellions. (Toronto: University of Toronto Press, 1961) pp. 178-182.

³A. M. Burgess to E. Dewdney, March 30, 1885, P.A.C., Indian Affairs Records, Vol. 3584, File 1130.

⁴"Scrip," Edmonton Bulletin, June 6, 1885, p. 2.

⁵The regulations for the North West Half-Breed Scrip Issue were embodied in a number of Orders in Council. See Canada, Privy Council, Orders in Council, March 30, 1885; April 18, 1885; July 2, 1885; April 13, 1886; all in P.A.C., Privy Council Records, Series 1; Vol. 306, P.C. 688/1885; Vol. 307, P.C. 821/1885; Vol. 312, P.C. 1202/1885; and Vol. 334, P.C. 657/1886, respectively.

Another factor which was apparently of minor importance in the Manitoba scrip issue, but which was to be very significant in the North West, was the question of Treaty Indians who were of mixed white and Indian parentage being permitted to accept scrip.⁶ It was true that a number of Métis had expressed their desire to leave the Treaty as early as 1881,⁷ and a few had actually repaid the annuities they had previously collected in order to be free from the Indian Department's control.⁸ But it is not clear whether the government contemplated that such withdrawals would be encouraged. Instructions were issued calling on Indian Agents to assist the scrip commissioners, and to identify any Indian who made a claim to participate in the grant, but the purpose of such identification was not made clear.⁹ The Agent's primary concern seems to have been to ensure that the Treaty Métis would not succeed in collecting annuities again, after

⁶It was not until 1880 that Métis were given the right to withdraw from Treaty under the terms of the Indian Act. By that date, the scrip grant in Manitoba was almost a decade old. A few members of the St. Peter's Band did repay a portion of their annuities and accept scrip in the 1870's, although there was no legal authority for them to do so. Deputy Superintendent General Lawrence Vankoughnet was later to argue that such withdrawals were null and void. See P.A.C., Indian Affairs Records, Vol. 3619, File 4646-5.

⁷[Indian Agent, Edmonton, to the Indian Commissioner] n.d., [May, 1881] and W. Anderson, report to the Superintendent General, December 13, 1881; both in Canada, Sessional Papers for 1882, Vol. XV (No. 6), pp. xx-xxii and 83-86 respectively.

⁸W. Anderson to the Indian Commissioner, July 13, 1886, P.A.C., Indian Affairs Records, Vol. 3758, File 31,665.

⁹A. M. Burgess to E. Dewdney, March 30, 1885; L. Vankoughnet to E. Dewdney, March 31, 1885; both in P.A.C., Indian Affairs Records, Vol. 3584, File 1130. The policy may be more clearly set out in the initial instructions to the scrip commissioners which I have not found.

having received scrip, and so offered no opposition to their departure from the Treaty.¹⁰ A pattern was soon established under which the Treaty applicant for scrip would be granted a written discharge from Treaty by his Agent which would indicate the sum of the annuities which the applicant had received since the date of the Treaty on its face. Such amount was then deducted from the amount of scrip granted to the applicant. Without such a discharge, scrip would not be granted to anyone who had been in receipt of annuities for Indians.¹¹

The Half-Breed Scrip Commission reached Edmonton on June 3, 1885, accompanied by a small group of well-heeled speculators from Calgary and Winnipeg.¹² Flush times followed them. About fifty scrips were issued per day, many to the heirs of victims of the great small-pox epidemic of 1870, and these were quickly purchased by the speculators, who thus added about \$5,000 to \$7,000 daily to the money in circulation in the district.¹³ The speculators preferred the money scrip, which was more readily transferable, and could be applied to land in Manitoba or other, more settled, regions of the North West, and were reported to have been disgusted when some of the St. Albert Métis

¹⁰Magnus Begg to the Indian Commissioner, May 25, 1885, P.A.C., Indian Affairs Records, Vol. 3585, File 1130-15.

¹¹Examples of these discharges from Treaty can be found in P.A.C., Indian Affairs Records, Vol. 3587, File 1239-1,-2,-3 etc, passim.

¹²The Bulletin mentions Messrs. Hanover, Vivien, Dodds and C. Alloway. See "Local," Edmonton Bulletin, June 6, 1885, p. 1.

¹³"Local," Edmonton Bulletin, June 13, 1885, p. 1.

insisted on taking the land variety.¹⁴ On the whole, the buyers had their way. All in all, eight hundred sixty-five certificates for money scrip were issued at Edmonton and St. Albert, as against only one hundred twenty-five for land scrip, even though the value of the latter was double that of the former in terms of the number of acres it could have provided to the Métis.¹⁵ In fact, so much money scrip was issued that the speculators were caught short of funds to purchase all that was offered for sale, and several of them had to return to Calgary to replenish their supply of cash.¹⁶ The price consequently fell to below \$0.50 on the dollar.¹⁷ Even so, the Bulletin considered that more than \$50,000 in cash was put into circulation in the Edmonton district by the speculators during the month of June.¹⁸

Apart from the great infusion of money into the small local economy, the Bulletin saw another advantage that was to be attributed to the visit of the scrip commissioners.

¹⁴Ibid.

¹⁵"Local," Edmonton Bulletin, July 4, 1885, p. 1. The official figures for land and money scrips at Edmonton and St. Albert as published in the Annual Report of the Commissioner were 430 persons taking money scrip and 127 taking land scrip. The difference is accounted for in part by the fact that some persons received two or more certificates, being heirs to deceased Métis. Also, some persons may have proved their claims at a later date by correspondence. See Canada, Sessional Papers for 1886, Vol. XIX (No. 45), pt. V, p. 2.

¹⁶"Local," Edmonton Bulletin, June 20, 1885, p. 1; June 27, 1885, p. 1; and July 4, 1885, p. 1.

¹⁷"Local," Edmonton Bulletin, June 20, 1885, p. 1.

¹⁸"Financial," Edmonton Bulletin, June 20, 1885, p. 2.

Not the least benefit that the scrip issue is conferring on the country is the means it offers half-breeds who have become treaty Indians to free themselves by paying back the treaty money they have received in scrip. By freeing themselves from the treaty they relieve the government of a considerable charge and heavy responsibility and enroll themselves in the ranks of the workers instead of the drones, to which they formerly belonged.¹⁹

Indian Agent Anderson appears to have been perfectly willing to grant discharges from Treaty to all who wished them.²⁰ During June and July of 1885, he processed the withdrawal of two hundred two Métis from Treaty, together with such of their children who were less than fifteen years of age.²¹ A few of these were from the Victoria Agency,²² but the great majority came from two Edmonton Bands--Michel's, having a reserve near St. Albert, and the Edmonton Stragglers, which by this time primarily consisted of women and children who had not been induced to settle on a reserve with any regular band.²³ Only twelve members of

¹⁹Untitled item, Edmonton Bulletin, July 4, 1885, p. 2.

²⁰"Local," Edmonton Bulletin, July 4, 1885, p. 2. Anderson granted at least one discharge to a woman who was subsequently unable to prove that she had any white parentage. See P.A.C., Indian Affairs Records, Vol. 3587, File 1239-14 re the case of Nancy Lebrun.

²¹W. Anderson to the Superintendent General, August 26, 1885, Canada, Sessional Papers for 1886, Vol. XIX (No. 4), pp. 70-72.

²²Victoria is the former name for Pakan, Alberta, near Smoky Lake. The Indian bands living in the Victoria district (i.e. those at Saddle Lake, Egg or Whitford Lake, Whitefish Lake, Beaver Lake, Heart Lake, and Lac la Biche) were under the administration of the Edmonton Agency until 1885, when a separate Victoria Agency was established under Mr. John A. Mitchell, Agent.

²³P.A.C., Indian Affairs Records, Vol. 3587, File 1239, passim.

Passpasschase's Band took the opportunity to free themselves from the Treaty.²⁴ For many, withdrawal was not very attractive or even possible. They had large families, and would not have received much scrip if any, after the sums which they had received in annuities had been deducted.

Since they had experienced difficulty in securing all the scrip available to them at Edmonton, it does not seem likely that the speculators would have over-exerted themselves to induce more Métis to obtain discharges from Treaty at that place. Nevertheless, the Deputy Superintendent General of Indian Affairs, Lawrence Vankoughnet, reported to Sir John A. Macdonald in early April of 1886 that he had learned that "interested parties" had held out inducements to some Métis enrolled in the Treaty to have them obtain discharges and participate in the half-breed grant. The deputy reported that "the most dissolute and improvident Half-breeds connected with the Treaties" were the ones that had received the greatest attention, and that in many cases, these persons had been persuaded "to leave the Treaty and

²⁴They were Isaac Daigneault, St. Genvieve Douquette, Abraham Cummings (Longbones), Maria Lapointe, Pierre Nadeau, Pierre (Jacob) Cardinal, Michel Cardinal, Agnes Cardinal, Abraham Brunneau, Rosalie Gladeau, Christine Gladeau (Lightening), and Mary Cardinal. See P.A.C., Indian Affairs Records, Vol. 3587, Files 1239-7, -78, -85, -133, -147, -153, -154, -155, -163, -180, -185, and -158. Also D.I.N.A., Annuity Paysheets for 1885 - Passpasschase Band. Mary Cardinal is not listed on the paysheets. There were a number of others who received discharges at distant points who had at one time been paid annuities as members of Passpasschase's Band. These people do not seem to have ever identified themselves with the band, and only collected the annuities with it as a matter of convenience. See, for example, the Vandalle family, P.A.C., Indian Affairs Records, Vol. 3587, Files 1239-375, -376, -377, and -378.

accept of scrip [sic], which they no sooner obtain than they dispose of for a trifle to the interested parties aforesaid and spend the proceeds in dissipation [sic]." Pointing out that these Métis would eventually be thrown as a burden again upon the government, Vankoughnet insisted that steps should be taken to prevent such abuses before the next visit of the scrip commission to the North West in the coming summer. Noting that one of the most effective lies being fostered among the Treaty Métis was that they would not be compelled to leave their reserves after they took scrip, he issued instructions to Commissioner Dewdney to explicitly warn all persons seeking discharges from Treaty that this was not the case, and that all persons who withdrew from Treaty would be evicted from their reserves forthwith. The deputy also recommended that all scrip issued to Métis who had once been members of any Indian bands, should be non-transferable for a term of five years.²⁵

Rather than take steps to combat the abuse which Vankoughnet had identified, the government greatly aggravated the problem. Thomas White, the Minister of the Interior and thus the Minister responsible for the North-West Half-Breed Scrip Commission, flatly rejected the Deputy Superintendent General's suggestion that the transferability of scrip be limited.²⁶ Furthermore, the government reversed itself on its policy of deducting a refund of Indian annuities from the value of scrip issued to Treaty Métis. Those who had been charged for such a

²⁵L. Vankoughnet to Sir John A. Macdonald, April 3, 1886, P.A.C., Indian Affairs Records, Vol. 3723, File 24,303-2.

²⁶Thomas White to Sir John A. Macdonald, April 12, 1886,

refund in 1885 were to receive a second certificate of scrip in the amount of their previous deduction, and other Métis in Treaty no longer had to weigh the cost of the repayment of their annuities against the value of the full scrip grant.²⁷ This was to make Half-Breed Scrip very much more attractive to many Treaty Indians, and in 1886 there were to be many "interested parties" eager to convince them to forsake their Indian status.

Problems first became evident at the Bear's Hills Indian Agency, south of Edmonton. Scrip speculators had hired Métis runners to convince as many Indians as possible to seek discharges from the Treaty, and when the Scrip Commission arrived, it was quite evident that this tactic had had some effect.²⁸ To the consternation of the speculators, Agent Lucas attempted to provide the Indians who were clamouring for scrip an opportunity to reconsider. He closed his office and accompanied Inspector Wadsworth on a tour of his reserves, thus delaying

P.A.C., Indian Affairs Records, Vol. 3723, File 24,303-2.

²⁷I have been unable to locate the files containing the details of this change in policy, or any indication of the reasons for it. Possibly it was considered that the government had no legal right to recover the annuities. The change was made, much to the bewilderment of men like William Anderson. W. Anderson to the Indian Commissioner, July 13, 1886, P.A.C., Indian Affairs Records, Vol. 3758, File 31,665.

²⁸Charles Whitford of Blindman was one such runner. See T. P. Wadsworth to E. Dewdney, July 8, 1886, P.A.C., Indian Affairs Records, Vol. 3746, File 29,690-4.

the grant of any discharges from Treaty. This only succeeded in angering all parties.²⁹

And so the discharges began. Inspector Wadsworth began to become alarmed as he realized that far more applications were being made than had been anticipated. Worse, those who had left Treaty immediately went to work in an effort to convince their friends to join them. Those who showed themselves unwilling to forsake the Treaty were taunted with cries of "Slave" and told "Everything you have belongs to the Government!" at every turn.³⁰ The Agent had no instructions which would have permitted him to refuse anyone's application for discharge that had been made according to form, and since the only evidence required was that of sworn statements by friends to the effect that the applicant was of mixed blood, few Indians had any difficulty in "proving" that they were entitled to be considered "half-breeds."³¹ The situation grew worse as many of the Métis from the district around the Bear's Hills Reserves became disgruntled that so many people should have been allowed the benefits of both the Indian Treaty and scrip, while they had to be content with the scrip alone. Furthermore, there were threatening rumours that those who had received Treaty discharges would not permit the benefits of the Treaty to be taken from them. Each applicant was carefully informed that he would lose all special

²⁹S. B. Lucas [to the Indian Commissioner], June 30, 1886, P.A.C., Indian Affairs Records, Vol. 3762, File 32,358.

³⁰T. P. Wadsworth to E. Dewdney, July 8, 1886, P.A.C., Indian Affairs Records, Vol. 3746, File 29,690-4.

³¹T. P. Wadsworth to E. Dewdney, July 7, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

rights he had formerly enjoyed as an Indian.³² Nevertheless, many of those who had left Treaty stated privately that should they ever need assistance in the future, they would compel the government to extend it to them, and when warned that they would be evicted from the reserves replied: "We'll see about that!"³³ As the members of their bands became more and more unsettled, Chiefs Samson and Ermineskin appealed to Inspector Wadsworth to prohibit any further discharges from Treaty in their Agency.³⁴ Without any authority from his superiors, Wadsworth ordered Agent Lucas to stop granting discharges on July 1, 1886.³⁵ The latter readily agreed, but already, Chief Bobtail and the majority of his Band had declared themselves Métis, and taken scrip, and many from Samson's and Ermineskin's Bands besides.³⁶

When the Scrip Commission moved to Edmonton on July 3, the problem was repeated on a larger scale. Some Indians had taken care to get their discharges from Treaty before the Commission arrived, including François Gladieu and his family, a headman of Chief Passpasschase.³⁷ There were many more who wished to follow him. In fact

³²Hayter Reed to the Superintendent General, April 8, 1886, P.A.C., Indian Affairs Records, Vol. 3723, File 24,303-1.

³³T. P. Wadsworth to E. Dewdney, July 8, 1886, P.A.C., Indian Affairs Records, Vol. 3746, File 29,690-4.

³⁴Ibid.

³⁵T. P. Wadsworth to E. Dewdney, July 7, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A. Also S. B. Lucas, "Register of Letters Received," in "Hobbema Indian Agency Papers, 1884-1949," Glenbow-Alberta Institute, Calgary.

³⁶"Local," Edmonton Bulletin, July 3, 1886, p. 1; "Local," ibid., July 10, 1886, p. 1.

³⁷François Gladieu was originally from Lac la Biche and does

the entire membership of Passpasschase and Enoch's Bands left their reserves and camped near the Scrip Commission.³⁸ All members of the Passpasschase Band wished to withdraw from Treaty, hoping, they said, to homestead their reserve. Chief Enoch and the majority of his band had a similar ambition.³⁹

Inspector Wadsworth, who had moved on to Edmonton, became even more alarmed. The claim of Passpasschase and his followers that they would homestead their reserve, he regarded as ridiculous. Writing to Commissioner Dewdney, he expostulated:

Now sir you are well aware how largely this band is made up of widows, old people and children, they cannot possibly make their own living: the Chief and his brothers are undoubtedly half-breeds and might scratch along, but even they have each two wives and numbers of children.⁴⁰

As for the members of Enoch's Band who were clamouring for discharges, the Inspector believed that to allow them such, would "only send so many paupers out into the country."

Already there have been discharges granted to some who as Indians were quite unable to provide a living for themselves and families, but Indian like, they are contented to let tomorrow look out for itself providing they get the scrip.⁴¹

not appear to have been related to Chief Passpasschase, despite the Gladu name. See P.A.C., Indian Affairs Records, Vol. 3589, Files 1239-473 to 1239-477. Also, P.A.C., Interior Records, Vol. 1349, File: "Gladieu," (François, Catherine, Edward Charles).

³⁸W. Anderson to the Indian Commissioner, July 31, 1886, P.A.C., Indian Affairs Records, Vol. 3763, File 32,594.

³⁹T. P. Wadsworth to E. Dewdney, July 7, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

⁴⁰Ibid.

⁴¹Ibid.

Wadsworth dispatched an urgent telegram to Commissioner Dewdney on July 4, the day the Scrip Commission opened sittings at Edmonton, asking if all Indians who represented themselves as Métis but led the "same mode of life" as Indians should be allowed discharges, and warning that if they were, there would be a "perfect exodus." He asked that the Agents be given positive and immediate instructions.⁴² Dewdney passed the question on to Ottawa.⁴³ The Commissioner further explained that practically every native in the Saskatchewan Valley had some white blood, and it was not too difficult for an Indian to prove such. He, too, was alarmed at the large numbers asking for scrip, and outlined the situation in terms similar to Wadsworth's:

Led by a desire for immediate acquisition, and undeterred by prudential forethought, or provident consideration, many now desire to cast away the fruits of their past four or five years' labour upon the reserves, and avail themselves of the opportunity afforded by the presence of the half-breed commission in the north to withdraw and obtain scrip. It is almost needless to say that they take no heed for the future, but are swayed by the expectation of having a few days of comparative prosperity, to be obtained from the sale of their scrip.

No doubt also, they are influenced by the example of halfbreeds, and by the specious representation of designing speculators, who have their own ends in view.⁴⁴

⁴²Ibid.

⁴³E. Dewdney, telegram to L. Vankoughnet, July 7, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

⁴⁴E. Dewdney to the Superintendent General, July 7, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

The Edmonton Bulletin saw the matter differently:

If after six or eight years of control and assistance under the reserve system the result is that the Indians desire to change it for one apparently less advantageous, and at the same time have made so little progress in civilization as to be as little able to support themselves as when they first took the treaty, it is strong evidence that the present system is a failure as a civilizing influence or as a means of producing content[ment], and therefore should be changed. . . .⁴⁵

Both Dewdney and Wadsworth recommended that some system be established under which discretion could be exercised by some representative of the Department in deciding whether a discharge should be allowed. The Inspector cautioned against leaving responsibility for such decisions with the Agent, "for if men (Indians) are forced to remain in Treaty by the action of the Agent it will not increase his influence or popularity among them."⁴⁶ Dewdney, for his part, warned that if persons unable to support themselves were allowed to withdraw, the government would eventually be forced to feed them, as it could not permit them to starve, and many such persons would, through desperation, soon be involved in criminal activities.⁴⁷

Meanwhile in Edmonton, the Scrip Commission got down to business, and it certainly enlivened the Edmonton scene:

⁴⁵"Treaty vs. Scrip," Edmonton Bulletin, August 7, 1886, p. 2.

⁴⁶T. P. Wadsworth to E. Dewdney, July 7, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

⁴⁷E. Dewdney to the Superintendent General, July 7, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

. . . about the land office was like a fair ground, from the number of men, women and children, horses and buggies of all descriptions, standing leaning or lying around. The proceedings were enlivened by an occasional horse race and on Wednesday by one or two small fights, but as a general thing everything was very quiet and orderly. . . . The town had flush times during these four days. The stores and saloons reaped a regular harvest, horses and cattle changed hands at lightning rate and at good figures, and the inspiring horse race absorbed whatever money could not conveniently be blown in any other way.⁴⁸

Agent Anderson issued a few discharges to Treaty Indians on July 5 and 6, including two to members of Passpasschase's Band,⁴⁹ but the crisis came on Wednesday, July 7 when the entire Passpasschase Band demanded their discharge. The Agent sent a frantic telegram to Commissioner Dewdney in Regina:

Pass Chase Band made application for discharge from treaty alleging themselves to be half-breeds. Enoch's contemplate the same: what action am I to take. Answer, quick.⁵⁰

Since no clear instructions had yet been received from Ottawa, Dewdney replied that no further discharges from Treaty should be given until further notice.⁵¹

An immediate howl of protest went up. The members of the Passpasschase and Enoch's Bands were described as "disappointed and somewhat

⁴⁸"Scrip," Edmonton Bulletin, July 10, 1886, p. 4.

⁴⁹They were to Margaret Papin (Maggie), and to Jean Baptiste Lapointe. See P.A.C., Indian Affairs Records, Vol. 3589, Files 1239-481 and 1239-484.

⁵⁰W. Anderson, telegram to E. Dewdney, July 7, 1886, P.A.C., Indian Affairs Records, Vol. 3595, File 1239-12.

⁵¹Hayter Reed to the Superintendent General, July 26, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

wrathful."⁵² They absolutely refused to return to their reserves, and continued to camp beside the Scrip Commission, clamouring for discharges.⁵³ Richard Hardisty, the Chief Factor of the Hudson's Bay Company at Edmonton, sent Commissioner Dewdney a telegram urging that Passpasschase and his brothers be allowed to withdraw.⁵⁴ Chief Passpasschase went even higher, sending a telegram to Prime Minister Sir John A. Macdonald:

Why can't we get same as peace Hills [Bear's Hills]
halfbreeds taking treaty. we want our scrip.⁵⁵

The Edmonton Bulletin professed itself to be puzzled:

The course of the Indian department in refusing to grant further discharges to half-breeds who have up to the present time been classed as treaty Indians and who now desire to resume their proper condition as half-breeds and secure scrip is one of the many things done by that department which are altogether inexplicable. The only reason that can be thought of for this refusal is that the parties concerned desire it. But this has always been a reason for refusing anything by the department.⁵⁶

It had no doubt that it would be most "profitable to the country" and beneficial to the parties concerned if they were allowed to forsake their Indian status.

⁵²"Scrip," Edmonton Bulletin, July 10, 1886, p. 4.

⁵³W. Anderson to the Indian Commissioner, July 31, 1886, P.A.C., Indian Affairs Records, Vol. 3763, File 32,594.

⁵⁴R. Hardisty, telegram to E. Dewdney, July 9, 1886, P.A.C., Indian Affairs Records, Vol. 3595, File 1239-12.

⁵⁵John Quinn (Passpasschase) to Sir John A. Macdonald, July 15, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

⁵⁶"Indian Scrip," Edmonton Bulletin, July 10, 1886, p. 2.

At present the country pays each one five dollars a year in cash and gives them certain stipulated amounts of provisions, clothing, ammunition, stock and implements and locks up reserves of land in choice locations to the amount of 160 acres for each. Besides this the country is bound by solemn treaty to replace to them the loss of food sustained by the extinction of the buffalo. The results of this dependent condition . . . has [sic] been anything but beneficial to the Indians. They have lost to a very great extent their individual self respect, independence and industry, never too highly developed, while the half-breeds who joined them . . . have sunk from instead of advancing in civilization.⁵⁷

Frank Oliver's newspaper further hypothesized that once freed from the belief that the government was bound to feed them, those receiving discharges would exert themselves more in order to make a living. It admitted that

No doubt some will leave the treaty from pure improvidence, looking only to the cash which the scrip will sell for, and no doubt assistance will be required by them at times in the future as it has been in the past.⁵⁸

But it was sure that even in these cases the country would benefit, for the government would then be in a much better position to exact work in return for the assistance given.⁵⁹

⁵⁷Ibid. From a factual standpoint, this statement was not entirely accurate. Under Treaty 6, bands were entitled to reserves of 128 acres per capita, not 160. The "stipulated" amounts of provisions, stock, and implements which the Bulletin mentions, had, by and large, already been given to the Edmonton Bands, and the country could not expect a saving on that account. The clothing "stipulated" in the Treaty was only for the Chief and Headmen of each band, and did not impose a heavy burden on the country. While the government of the day would certainly have denied that it was "bound by solemn treaty" to replace the loss of food resulting from the extinction of the buffalo, the Bulletin's interpretation of this part of the Treaty was probably more reasonable.

⁵⁸Ibid.

⁵⁹Ibid.

It is impossible to say whether such arguments and protests had any effect on the government's decision. The Prime Minister was embarking on a trip to the West when the problem arose,⁶⁰ and no decision could be made until his arrival at Winnipeg. When Dewdney and Macdonald finally had an opportunity to discuss the matter, they decided to adopt a suggestion of Scrip Commissioner Roger Goulet.⁶¹ Instructions were issued on July 19, declaring that

Treaty Half-Breeds who clearly show that they are Half Breeds and who do not lead the same mode of life as Indians should be allowed to withdraw from treaty. Others should not be allowed.⁶²

A declaration was also drafted which was to be signed by each person withdrawing from Treaty, and countersigned by the Indian Agent, who was required to certify that the declaration had been read and explained to the applicant for discharge. It read as follows:

I hereby forfeit all Indian rights. I agree to leave the reserve, to give up my house and all other improvements which I may have on the reserve without compensation also any cattle or any implements received by me as an individual or as a member of the Band.⁶³

Inspector Wadsworth was appointed to make the decisions as to who followed an Indian "mode of life" and who did not.⁶⁴

⁶⁰L. Vankoughnet, telegram to E. Dewdney, July 8, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

⁶¹See R. Goulet, telegram to A. M. Burgess, July 12, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

⁶²Hayter Reed to the Superintendent General, July 26, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A. This letter contains verbatim quotes from many items since lost.

⁶³"Form of Agreement," July, 1886, P.A.C., Indian Affairs Records, Vol. 3595, File 1239-12.

⁶⁴Hayter Reed to the Superintendent General, July 26, 1886,

No doubt, the policy adopted might have been considered a practical one, but it seems that it contravened the existing law. Because an Indian "mode of life" was difficult to define, decisions tended to be made on whether the discharged Indians would be likely to support themselves.⁶⁵ But the Indian Act had been amended in 1884 to allow any "Half-Breed" participating in the benefits of any Indian Treaty to be discharged by declaring in writing his desire to withdraw before two witnesses. There was no provision whatever in the Act which would allow any government official to forbid any such withdrawal.⁶⁶ But, as there was no one in Edmonton who drew attention to this fact, the Inspector was permitted to practise his discretion.

Wadsworth was not entirely satisfied with his instructions, and requested a definition of "Indian mode of life." He pointed out that almost all Indians engaged to some extent in agriculture, albeit with varying degrees of success. One family's applications in particular which bothered him he referred to the Indian Commissioner:

Are Chief 'Pass-pass-chase' and brothers to be granted discharges, they farm, some live in lodges in summer, houses in winter - the course you direct to be pursued towards them will guide action in other cases.⁶⁷

P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

⁶⁵See T. P. Wadsworth to E. Dewdney, July 27, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

⁶⁶Canada, The Indian Act (1886), 49 Vic., Cap 43, Sec. 13.

⁶⁷Hayter Reed to the Superintendent General, July 26, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

Dewdney tersely replied:

I think Pass-pass-chase and brothers might be granted discharges.⁶⁸

Thus the Chief and Headmen of the band which the Indian Commissioner had described as "more Indian in action and appearance than any I have seen in some time" less than a year before, were declared to be not leading "the same mode of life as Indians" by the same person.

With this decision, the exodus from Treaty began. The Scrip Commission had moved to St. Albert, and the Passpasschase and Enoch's Bands had followed them. There, an even greater carnival-like atmosphere prevailed. Edmonton was all but deserted as its citizens flocked to the neighbouring settlement in order to share in the excitement.

A dozen beer saloons adorn the grounds, and a lively trade is done in everything that can be sold or bought. Horse and foot racing and betting have been rife all week, but it is impossible to give a report on the numerous events.

⁶⁹

It was under these conditions that the large families of Chief Pass-passchase and his brothers forsook the Indian Treaty. The family took the name of Gladieu Quinn from the names of two of their fur trader forefathers in the Lesser Slave Lake region from which they had moved thirty years before.⁷⁰ The discharge of the fifty-eight members of the family meant a sizeable reduction in the band's population of one hundred ninety-four persons.⁷¹

⁶⁸Ibid.

⁶⁹"Local," Edmonton Bulletin, July 17, 1886, p. 4.

⁷⁰See P.A.C., Interior Records, Vol. 1364, File "Quinney to Quintal."

⁷¹See P.A.C., Indian Affairs Records, Vol. 3589, Files 1239-490,

But these were not all. Having received specific instructions concerning Chief Passpasschase's family, Inspector Wadsworth proceeded to draw up general guidelines for other cases. He eventually decided that no Métis then in Treaty who received regular rations from his Agent, who lived by hunting, or who was a vagrant around white settlements would receive a discharge. Nor would those who could not give the English or French name of their fathers.⁷² Even so, the task was not easy. Wadsworth reported that every Indian seemed able to prove he was Métis, even though the Inspector believed that many of the witnesses to this effect were suborned.⁷³ He gave as one example of his problems, the case of Lazarus Lapotac, brother of Chief Enoch Lapotac of Stony Plain. Both Lazarus and Enoch, whom Wadsworth declared were "known to be pure Indians," wished to take scrip. Before a halt was called to Treaty withdrawals, Lazarus had succeeded in drawing scrip as the heir of his two deceased brothers, under the names of Joseph and Jacob Morin, although not for himself. When asked how he got the name Morin, Lazarus had frankly replied that he had chosen it at random because he had once known a white man by that name.⁷⁴ Strange situ-

and 1239-493; Vol. 3590, Files 1239-515, -517, -519, -520, -521, -522, -523, -524, -526, -527, -531; and D.I.N.A., Annuity Paysheets for 1885 and 1886 - Passpasschase Band. The 194 figure is from the 1885 payments.

⁷²T. P. Wadsworth to E. Dewdney, July 27, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

⁷³Ibid. Dewdney, however, does not seem to have believed this. He declared that almost every Indian in the Saskatchewan Valley was, to some extent, of mixed blood.

⁷⁴T. P. Wadsworth to E. Dewdney, July 8, 1886, P.A.C., Indian Affairs Records, Vol. 3764, File 29,690-4. Enoch and Lazarus were not allowed discharges.

ations had thus arisen in which one man might be declared to be a "Half-Breed" and allowed scrip, while his brother might be classed as an Indian and denied a discharge from Treaty.

Furthermore, there was much ill-feeling concerning Wadsworth's frequent refusals to grant discharges to applicants. The Inspector reported that the disappointed parties would behave very badly, threatening never to return to their reserves again, and almost committing breaches of the peace in their angry demonstrations. The Bulletin, too, was critical of Wadsworth's refusing any applicant a discharge from Treaty.

To allow a man to have his own way is the surest means of stopping his complaints, whether he is really benefited thereby or not, and as the way these parties desire to go will decrease instead of increasing the burden and responsibilities of the government, it is politic to let them take it.⁷⁵

Besides this, Frank Oliver's newspaper declared that a great opportunity was being missed:

By the parties who so desire--whether half-breeds or Indians--leaving the treaty the country would be relieved from a portion of the annual payments in cash and treaty supplies, the reserves could be decreased in size or broken up and the country would be under no treaty obligation to feed them, the knowledge of which would tend to induce them to work for themselves. All this would be clear gain to the country.⁷⁶

⁷⁵"Treaty vs. Scrip," Edmonton Bulletin, August 7, 1886, p. 2.

⁷⁶"Indian Scrip," Edmonton Bulletin, July 10, 1886, p. 2.

But there were others who thought that altogether too many discharges were being granted. Rev. Father Z. Lizée, who had conducted the school on the Passpasschase Reserve, confided to his private journal "Poor savages! How they are to be pitied! The money which they receive will be squandered as quickly as it is received."⁷⁷ Other officials of the Catholic Church were equally concerned. Both Bishop Grandin and Father Lacombe communicated with the government, and pleaded against allowing any withdrawals from Treaty.⁷⁸

In the middle of such opposing pressures, Inspector Wadsworth did grant a considerable number of discharges, although not nearly as many as were demanded. In addition to the fifty-eight Gladieu Quinns, and their dependent relatives, thirty-eight other members of the Passpasschase Band were permitted to escape the bonds of the Indian Treaty.⁷⁹ Thus, by the actions of the North-West Half-Breed Scrip Commission in 1886, the population of the Two Hills Band of Indians was decreased by one hundred two persons, or more than half of its total.⁸⁰ The Edmonton

⁷⁷My translation of "Pauvres sauvages, qu'ils sont à plaindre! l'argent qu'ils reçoivent ils le gaspillent au fur et à mesure ..." from Rev. Père Zéph. Lizée, "Mon Journal privé de 7-7-84 à 19-1-87," entry for Juillet 22, 1886, in Oblate Papers, Alberta Provincial Archives, Edmonton.

⁷⁸L. Vankoughnet, telegram to E. Dewdney, July 29, 1886; and A. Lacombe to Mr. Vankoughnet, August 6, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

⁷⁹P.A.C., Indian Affairs Records, Vol. 3590, Files 1239-504, -506, -507, -509, -513, -514, -532.

⁸⁰The total consists of the 96 band members discharged after July 19, 1886, and the 6 who had been discharged before July 7. There were, of course, 12 others who had been given discharges in 1885 and an indeterminate number who were granted discharges at places other than Edmonton. The last named group, however, were hardly true members of the Passpasschase Band, having lived apart from the Band for several years.

Indian Agency was the most seriously affected by withdrawals from Treaty in the North West, suffering almost double the number of any other.⁸¹ Only two bands exceeded Passpasschase's in the number of withdrawals-- Peeaysis, or the Lac la Biche Band in the Victoria Agency, and Michel's Band under the jurisdiction of the Edmonton Agent.⁸² But while others may have lost more in numbers, the Passpasschase Band was to be the only one which would lose its reserve as well.⁸³

The discharged Métis presented many problems. One was political. Commissioner Dewdney took up the question of whether these people ought to be given the vote with the Prime Minister, and offered the kind of solution that Macdonald would appreciate.

A man who lives in a tepee should not be considered a householder, unless he is a Conservative.⁸⁴

More serious problems involved the economic future of those who had

⁸¹"List of Halfbreeds who have withdrawn from Treaty; June 1, 1888," P.A.C., Indian Affairs Records, Vol. 3587, File 1239-B. This official listing showed 290 withdrawals in the Edmonton Agency. There were 152 withdrawals in the Victoria Agency, 138 in the Prince Albert Agency, 49 in the Peace Hills Agency and 48 at Touchwood Hills. All other agencies had less than 30 withdrawals.

⁸²*Ibid.* The figures were Peeaysis Band (Lac la Biche) 93 withdrawals; Michel's Band 71 withdrawals; Passpasschase Band 61 withdrawals. (These figures referred only to those eligible to receive scrip--that is, those born before July 15, 1870. The figure of 102 persons discharged from the Passpasschase Band quoted above included not only those eligible to receive scrip, but also their dependents who were too young to participate in the grant.)

⁸³The Peeaysis Band had never had a reserve. Michel's Band did not surrender any of its land until 1903.

⁸⁴E. Dewdney to Sir John A. Macdonald, November 4, 1886, P.A.C., Macdonald Papers, Vol. 213, No. 90882-90883.

withdrawn. After the 1885 scrip issue Dewdney had tried to assist the former Indians by directing the Indian Agents to lend them such implements and materials as could help them reestablish themselves as self-sufficient Métis.⁸⁵ In 1886, Dewdney also agreed to let the recent withdrawals remain on their former reserves long enough to harvest that year's crops.⁸⁶

As might have been foreseen, those who had taken scrip returned to the Passpasschase Reserve and refused to leave. Some even participated in the killing of government cattle.⁸⁷ In February, 1887 Agent Anderson called on the Department for advice as to how they should be evicted,⁸⁸ and was instructed to treat the discharged Indians as trespassers under the Indian Act, and to call upon the North West Mounted Police to remove them, if they would not go of their own accord.⁸⁹ Nevertheless, when Assistant Indian Commissioner Hayter Reed visited Edmonton in August of 1887, they were still in residence on the Passpasschase Reserve and evidently making preparations for another winter. When Reed informed them they would have to move, they demanded compensation for their houses. They flatly denied having signed any declar-

⁸⁵Indian Commissioner to Indian Agent, Edmonton, January 12, 1886, P.A.C., Indian Affairs Records, Vol. 3595, File 1239-12.

⁸⁶Hayter Reed to Superintendent General, July 26, 1886, P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-2A.

⁸⁷"Local," Edmonton Bulletin, September 18, 1886, p. 1.

⁸⁸W. Anderson to the Indian Commissioner, February 28, 1887, P.A.C., Indian Affairs Records, Vol. 3595, File 1239-12.

⁸⁹Hayter Reed to Indian Agent, Edmonton, March 12, 1887, and L. Vankoughnet to E. Dewdney, April 16, 1887, P.A.C., Indian Affairs Records, Vol. 3595, File 1239-12.

ation agreeing to abandon all their improvements and property on the reserve without compensation. The Assistant Commissioner then summoned the Indian Agency clerk and interpreter to confront Passpasschase and the others who had withdrawn from Treaty with him. Upon being faced with these witnesses, the former chief and his followers had to admit they had signed such a statement. The Assistant Commissioner reported that the discharged Métis "were not the least abashed," at being caught out in this fashion,⁹⁰ and next declared that they had not intended that the declaration they had signed should have conveyed the meaning which its language implied.⁹¹

The real problem does not appear to have been any genuine misunderstanding of the terms of their discharge from Treaty, but rather a financial difficulty. The people concerned had spent all of the proceeds from the sale of their scrip, and now had no means to start life anew. Reed refused to pay any compensation, but did allow Passpasschase and the other scrip takers to move their houses off the reserve. As the Treaty members of the band agreed to abandon the reserve at this time, the position of the discharged Métis became much less tenable, and they left without causing further difficulty.⁹²

In later years, the fears of those who had opposed the granting of scrip to adherents of the Treaty seem to have been amply justified. In contrast to those who had received their scrip in 1885, those who

⁹⁰Hayter Reed to the Indian Commissioner, August 22, 1887, P.A.C., Indian Affairs Records, Vol. 3786, File 42,010.

⁹¹Hayter Reed to the Indian Commissioner, August 18, 1887, P.A.C., Indian Affairs Records, Vol. 3786, File 42,010.

⁹²Ibid.

participated in the 1886 grant received about seventy-five percent of the face value of their scrip, in cash, from the speculators.⁹³ Some were doubtless swindled,⁹⁴ but Passpasschase and his brothers seem to have been astute enough to avoid too great a loss from that cause. Nevertheless, in the carnival-like atmosphere, the money dwindled away rapidly. By the winter of 1887-1888, many of those who had withdrawn from Treaty had to be rationed by the North West Mounted Police to prevent their starvation, and this action had to be repeated the following winter.⁹⁵ Many of those who had been discharged in 1885 and 1886 were eventually re-admitted into the Indian Treaty, on the condition that they repay the face value of their scrip from the annuities they would otherwise have been entitled to.⁹⁶ Those who were not re-admitted

⁹³See "Scrip," Edmonton Bulletin, July 10, 1886, p. 4; "Local," ibid., July 17, 1886, p. 4; "Local," ibid., July 24, 1886, p. 1. In 1885 the price had dipped to as low as \$0.40 on the dollar. By purchasing at \$0.75 on the dollar and upwards, the speculator was not making as large a profit as it might seem. The speculator could rarely apply the scrip to land himself, because Dominion Lands for sale primarily consisted of pre-emption lands which only a homesteader on an adjacent quarter-section could purchase. The scrip therefore had to be sold to an established settler at a price under its face value, (say \$0.90 or \$0.95 on the dollar), or there would be no incentive for the settler to purchase it.

⁹⁴Such swindles were, no doubt, more regularly conducted by local "friends" of the Métis, who often handled the scrip transactions for them ("Scrip," Edmonton Bulletin, July 10, 1886, p. 4), than by the speculators among whom competition appears to have been very keen.

⁹⁵"Rations," Edmonton Bulletin, March 24, 1888, p. 4; "Local," ibid., April 7, 1888, p. 4; "Local," ibid., January 5, 1889, p. 1; and "Local," ibid., January 26, 1889, p. 1.

⁹⁶Hayter Reed to Superintendent General of Indian Affairs, June 29, 1887; Lawrence Vankoughnet to Edgar Dewdney, July 11, 1887; Edgar Dewdney to Superintendent General, August 18, 1887; and Bobtail et al., agreement on terms of readmission to Treaty, August 10, 1887. All in P.A.C., Indian Affairs Records, Vol. 3724, File 24,303-3. Wm. C. de Balinhard to the Indian Commissioner, December 3, 1888,

appear to have lived in perpetual hard times for the rest of their lives. In 1891, Father Albert Lacombe described them:

These miserable beggars will never be able to support themselves when away from treaty. They will be as they are now, pitching about, hanging round new settlements, begging or working a little once [in] a while for whites, the squaws washing and men cutting wood, besides . . . [being] continually exposed to the most ruinous demoralisation. . . . You will see, in [a] few years, the government will be obliged to take back in [to] the reserves all these free indians.⁹⁷

But the government did not feel obliged to take back the majority of these people, although Father Lacombe had scarcely exaggerated their condition. Its only assistance to them was the grant, in 1900, of another scrip issue to those of their children born between 1870 and 1885.

Although the granting of half-breed scrip was clearly a most doubtful means of aiding the Métis of Canada's North West, it did have the advantage of extinguishing the Métis share in the aboriginal title at little cost to the Canadian taxpayer. Furthermore, it had been a programme for which the Métis had previously long agitated. While few, if any, Métis were again allowed out of Treaty in order to receive scrip after the 1885 grant had run its course, Half-Breed Scrip Commissions, and the inevitable speculators, attended the signings of

and Hayter Reed to Agent, Edmonton, 10 January, 1889, both in P.A.C., Indian Affairs Records, Vol. 3595, File 1239-12.

⁹⁷Father A. Lacombe to Hayter Reed, February 9, 1891, P.A.C., Indian Affairs Records, Vol. 3591, File 1239-715. See also Bishop Grandin's description of the condition of these people in V. Grandin to the Minister of the Interior, August 5, 1899, P.A.C., Indian Affairs Records, Vol. 3953, File 135,540-1.

Treaties Eight to Eleven and seduced many who might otherwise have entered the Treaty with the lure of hard cash.

Chief Passpasschase and those who had followed him out of Treaty seem to have done somewhat better than others similarly situated. Some of them were commended by the Bulletin early in 1888 for having supported themselves up to that date.⁹⁸ A few seem to have followed their former fellow band members to the Stony Plain Reserve, and, surreptitiously shared in the rations given to their friends in Treaty there.⁹⁹ None appears to have been re-admitted to Treaty. Eventually, most of them migrated to the North East, into the region near Lac la Biche, Beaver Lake, and Kikino, where many of their descendants can be found today.

⁹⁸Untitled item, Edmonton Bulletin, April 7, 1888, p. 1.

⁹⁹Names of discharged members of Passpasschase's Band show up periodically in the Parish Register of the then St. John the Baptist Roman Catholic Church, on the Stony Plain Reserve, in the late 1880's. See also, many such reports in P.A.C., Indian Affairs Records, Vol. 3770, File 33,711 passim.

CHAPTER IV

THE SURRENDER

7
There is now no reason why this reserve should not be thrown open to settlement at an early date.

--Edmonton Bulletin, July 24, 1886.

The withdrawal from Treaty of Chief Passpasschase and the majority of his followers was entirely unexpected, and officials of the Department of Indian Affairs were quite unprepared to deal with the consequences. In addition to the problems he had with those who had been granted scrip and refused to be evicted from their homes on the reserve, Indian Agent Anderson was faced with the sullen and unco-operative attitude of the remnant of the Passpasschase Band. The Indians who had been refused discharges from Treaty were indignant, and demonstrated their displeasure by killing a heifer that had been loaned to the band,¹ and by wandering about, ostentatiously refusing to return to their reserve until winter had set in.² When the annuity payments were made on September 30, 1886, the Agent experienced some difficulty in inducing an angry few to accept their money.³ Instead of simplifying the administration of the Passpasschase Band, the granting of Métis status to its troublesome leaders only magnified the problems faced by Indian Affairs officials, and created more resentment on all sides.

But, to the white residents of the town of Edmonton in general, and to the editor of the Edmonton Bulletin in particular, the disintegration of the Indian band presented a splendid opportunity to renew the campaign against the location of its reserve. No sooner had Ins-

¹"Local," Edmonton Bulletin, September 18, 1886, p. 1.

²"Local," Edmonton Bulletin, August 7, 1886, p. 1. The school on the Passpasschase Reserve, recently opened by the Catholic Church, had to be closed for this reason. W. Anderson to the Superintendent General, November 23, 1886, P.A.C., Indian Affairs Records, Vol. 3763, File 32,476-2.

³"Local," Edmonton Bulletin, October 2, 1886, p. 4. D.I.N.A.,

pector Wadsworth commenced granting discharges to Chief Passpasschase and his family, than the newspaper triumphantly announced the fact, and emphatically proclaimed that there was no longer any reason why the reserve should not be thrown open to settlement.⁴ Two weeks later, it returned to the theme, expressing the opinion that:

In the case of the Two Hills band south of Edmonton and Michel's band at the west end of Big Lake, where the majority have taken scrip it would be in the public interest to remove the Indians who remain in the treaty to other reserves, and by throwing these reserves open to settlement at once allow those who have taken scrip, and who generally have made the most improvements, to remain on their places and enter them as homesteads. There is no object of public benefit to be attained by turning out the men who have made the improvements and handing over the result of their labor to those who were too lazy to do anything for themselves, and to hold the whole of these reserves closed to settlement although the number of Indians upon them has been so greatly reduced; while if they are thrown open there is no reason why the men who made the improvements should not hold the claims they are on as homesteads. The Edmonton and St. Albert settlements are each deeply interested in one or the other of these reserves. Both bands were notoriously chiefly half-breeds and should never have been admitted to the treaty, the reserves were located close to and partly including previous settlement, they have been a drawback to both settlements, and now when the opportunity occurs by which they may at once be thrown open and the more industrious of their occupants benefitted thereby, it is to be hoped that the government will for once take a commonsense view of the case and by throwing open these reserves confer a double benefit.⁵

Annuity Paysheets for 1886 - Passpasschase Band. Eighty-two people were paid as members of the band.

⁴"Local," Edmonton Bulletin, July 24, 1886, p. 4.

⁵"Treaty vs. Scrip," Edmonton Bulletin, August 7, 1886, p. 2.

Such views were not to be found in the press alone. During the ensuing winter, both the Conservative and the Liberal candidates for Alberta's first seat in the House of Commons made the throwing open of Indian reserves near towns a plank in their respective election platforms.⁶

Local agitation against the Passpasschase Reserve had not influenced the Department of Indian Affairs in the past, and there was little probability that it would ever pay any heed to the views of such a chronic critic as the Edmonton Bulletin. But, when officials of the Canadian Government suggested that reserves should be opened up for settlement, Indian Affairs was compelled to take notice. As the Edmonton newspaper had indicated, half of the membership of Michel's Band, situated immediately to the west of St. Albert, had withdrawn from Treaty in 1885 in order to accept scrip. This event did not escape the attention of the Department of the Interior, which was responsible for the administration of Dominion Lands in the North West. Officials of that department promptly demanded a proportional share of Michel's Reserve equal to the percentage of the band that had been granted half-breed scrip.⁷ Interior's argument was simply that the recently discharged Métis had previously received compensation for their aboriginal claims in reserve lands; they had then received compensation once more for the same claims in the form of scrip, which would ultimately be

⁶D. W. Davis, "To the Electors of the Provincial District of Alberta," January 28, 1887, in Edmonton Bulletin, February 12, 1887, p. 1. Dr. J. D. Lafferty, "To the Electors of the District of Alberta," February 13, 1887, in Edmonton Bulletin, February 26, 1887, p. 1.

⁷W. T. R. Street to the Deputy Minister of the Interior, June 29, 1885, P.A.C., Indian Affairs Records, Vol. 3707, File 19,229-2.

paid for out of Dominion Lands. The department contended that it was quite improper to compensate these individuals twice. It was pointed out that Michel's Reserve was forty square miles in area, but that since the Half-Breed Commission had done its work, the population had plummeted to less than one hundred persons--not enough to justify twenty square miles under the terms of Treaty Six.⁸

The Deputy Superintendent General of Indian Affairs, Lawrence Vankoughnet, was willing to listen to the Department of the Interior's argument, but was inclined to think that the Indians should be treated more generously. In presenting the question to Sir John A. Macdonald, in January of 1886, Vankoughnet declared:

. . . considering the immense tracts of country they have surrendered for a comparatively trifling consideration it would not be too much to allow them to retain the whole of the land given to them as Reserves when the Treaties were made on the understanding that the surplus land should be surrendered by them and sold and the proceeds thereof invested for their benefit.⁹

The Deputy Superintendent General's suggestion did not directly answer the question raised by the Department of the Interior, but it did seem designed to meet the objections against large blocks of land being withheld from productive use by a very few Indians.

⁸Ibid. L. Vankoughnet memorandum to Sir John A. Macdonald, January 22, 1886, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137. Of course the argument that the size of a reserve should be reduced because of a decline in population was not justified by the wording of the Treaty, or of the Indian Act.

⁹L. Vankoughnet to Sir John A. Macdonald, January 22, 1886, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137. Emphasis added.

The Prime Minister's¹⁰ reaction to this proposal was much more favourable than Vankoughnet could have anticipated. In the sale of "surplus" lands, Macdonald saw not just the means to quiet an inconsequential agitation in a small western settlement, but also a possible escape from the substantial financial burden that the administration of Indian Affairs had imposed upon the Federal Government. He reasoned that by selling the lands and funding the proceeds for the benefit of the band, a source of capital would be established from which the needs of the Indians could be supplied. "In this way the Public Treasury would be pro tanto relieved from the Cost of any articles furnished as benefits Conferred Beyond the Treaty obligations."¹¹ Clearly, Macdonald envisaged that Vankoughnet's suggestion should be applied to other reserves besides Michel's, and, indeed, even to those that had not been affected by the operations of the Half-Breed Scrip Commission. In the week following the Prime Minister's decision, Indian Commissioner Edgar Dewdney was ordered to allot to each individual Indian on every reserve the land he would likely require for cultivation, so that the amount of surplus land, available for surrender and sale, could be ascertained.¹² Dewdney replied that he was attempting to locate indi-

¹⁰ Macdonald also held the position of Superintendent General of Indian Affairs.

¹¹ L. Vankoughnet to Sir John A. Macdonald, January 22, 1886-- Marginal notation by J. A. Macdonald, January 23, 1886, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137.

¹² L. Vankoughnet to E. Dewdney, January 28, 1886, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137.

vidual families on separate plots of land on the various reserves, but that the process would, necessarily, be a long one.¹³ By the Commissioner's reckoning, the date at which reserve lands could be declared surplus was many years away.

Macdonald's suggestion was received very coolly in another quarter. It was perhaps realized that the great majority of Indian bands would not consider any of their lands to be "surplus," nor be willing to part with them for the mere purpose of reducing the budget of the Department of Indian Affairs. Vankoughnet wrote the Deputy Minister of Justice to ask whether reserve lands, occupied by a band which had lost a portion of its population because some of its members had elected to take half-breed scrip, might be sold for the benefit of the remnant of the band without a surrender.¹⁴ The answer was unequivocal. Under the terms of the Indian Act, the Deputy Minister of Justice declared, "it will be necessary to procure the formal surrender of the lands before they can be sold."¹⁵ Upon the receipt of this legal opinion, the enthusiasm in the Department of Indian Affairs for the sale of "surplus" lands, quickly dissipated. Michel's Band was not asked to make a substantial surrender until 1903.¹⁶ Even if it had been implemented, however, the scheme had no prospect of success.

¹³E. Dewdney to the Superintendent General, February 4, 1886, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137.

¹⁴L. Vankoughnet to Geo. W. Burbridge, February 3, 1886, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137.

¹⁵Geo. W. Burbridge to the Deputy Superintendent General, March 10, 1886, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137.

¹⁶For details of this and a subsequent surrender in 1906, see P.A.C., Indian Affairs Records, Vol. 6667, File 110A-4-1, passim. An

As the Department of the Interior was to point out, there was an abundance of free homestead land still available in the North West Territories. Under such conditions, there was little probability that Indian reserve lands could command the prices necessary to realize Macdonald's goal. Nevertheless, it is noteworthy that the policy of promoting land surrenders that was to be implemented by Frank Oliver after 1905, had been considered by Sir John A. Macdonald two decades earlier.

While the Department of Indian Affairs may have considered that the matter of "surplus" reserve lands was closed, the Department of the Interior believed otherwise. As we have seen, the large exodus from the Michel Band in 1885 was followed by an equally large withdrawal from the Passpasschase Band in 1886. William Pearce, a Superintendent in the Dominion Lands Branch, seized upon this example to make the case for his department once more. He, like the Edmonton Bulletin, suggested that the remaining members of the Passpasschase Band, who had been prevented from withdrawing from Treaty, should be amalgamated with another band in the Edmonton Agency, and their reserve should be thrown open for settlement. Again, following the Bulletin's lead, he declared that if this were done, the discharged Métis could enter for their former farms as homesteads. In a significant, if unintentional, comment on the utter bankruptcy of the Métis scrip programme, Pearce

attempt was made to take a small surrender during the 1890's. On that occasion, however, the issue was not one of "surplus" lands, but rather a dispute involving a squatter who had occupied a small parcel on the reserve since approximately 1880, the year in which the reserve was surveyed. See P.A.C., Indian Affairs Records, Vol. 3707, File 19,229-2 passim.

further alleged that if the recipients of scrip were not permitted to follow his suggestion they would have little hope of surviving the winter without charitable assistance. Hardly a month had passed since the Half-Breed Commission had begun to issue the scrip certificates at Edmonton, and it was already apparent that all the money that the former Indians had received would soon be gone. To bolster his argument, the Superintendent of Dominion Lands declared that if the houses, cultivated land, and other improvements made by the former members of the Passpasschase Band were not maintained, the farms would quickly grow up in weeds, and the improvements fall into disrepair, becoming a liability rather than an asset to future use. To those who would recommend the sale of the land, he pointed out that such a course would be impractical, since there were plenty of vacant sections open for homestead entry in the vicinity, which could be taken up by intending settlers at a nominal cost.¹⁷

The Secretary of the Department of the Interior gladly passed Pearce's views on to the Deputy Superintendent General of Indian Affairs.¹⁸ When this provoked no immediate response, the Deputy Minister of the Interior, A. M. Burgess, wrote to reiterate his department's arguments, and added that if the land were not soon disposed of, it would likely be occupied by squatters.¹⁹ Vankoughnet would only

¹⁷Wm. Pearce to H. H. Smith, August 26, 1886, P.A.C., Interior Records, Vol. 409, File 105,940.

¹⁸John R. Hall to L. Vankoughnet, October 5, 1886, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137.

¹⁹A. M. Burgess to L. Vankoughnet, March 4, 1887, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137.

reply that the land could not be alienated without the consent of the Passpasschase Band.²⁰ Indian Affairs was determined to manage the disposition of the Passpasschase Reserve without interference from any other department.

In view of the apparent decision not to pursue the surrender of lands from Michel's Reserve, it is probable that the Passpasschase Reserve would have survived at least until the election of the Laurier Government in 1896, had not the Department of Indian Affairs received an initiative which purported to originate from the Indians themselves. On December 30, 1886, Indian Agent Anderson reported that the remnant of the band had asked to be permitted to join the followers of Chief Enoch Lapotac on the Stony Plain Reserve. The alleged reason for this unusual request was that there were too few able-bodied men left in Treaty to farm their large reserve to any advantage. The Agent also reported that the members of Enoch's Band had requested certain farm implements, all of which, not coincidentally, happened to be in the possession of the much depleted Passpasschase Band. Presumably in order to obtain these implements, the residents of the Stony Plain Reserve had supposedly requested that the Passpasschase remnant be amalgamated into their band. Anderson strongly urged that the government agree to these petitions.²¹

²⁰L. Vankoughnet to A. M. Burgess, March 12, 1887, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137.

²¹W. Anderson to the Indian Commissioner, December 30, 1886, P.A.C., Indian Affairs Records, Vol. 3773, File 36,440.

The authenticity, or, at the very least, the spontaneity of these requests may be seriously questioned. The Agent claimed that they had been made at the time of the annuity payments at the end of September. Yet he did not bother to communicate them to his superiors until late December, fully three months later. Furthermore, Anderson's suggestion for the disposition of the land was identical to that of the Edmonton Bulletin and of William Pearce--the land should be thrown open for settlement, and the discharged members of the band allowed to take up their former farms as homesteads.²² In making this proposal the Agent was not simply echoing the common feelings of the white population of Edmonton, nor was he stirred by any charitable impulse towards those who had squandered the proceeds of their scrip. Chief Passpasschase, his brothers, and the others who had withdrawn from Treaty had not left their homes, and, if the reserve was to retain its official status, it would be Anderson's task to evict them. He made it quite apparent that he had no desire for a confrontation with Tahkoots 'The Murderer', and others of that ilk, over such an issue.²³

In spite of the obvious personal stake which Anderson had in the amalgamation scheme, there was some truth in the reasons advanced for it. Few men were left in the band after the issue of half-breed scrip. At the time of the 1886 annuity payments, there had only been ten adult males out of a total population of eighty-two, and some of

²²Ibid.

²³Ibid.

those were doubtless old or infirm.²⁴ It would be many years before a group of that size could begin to use even a significant portion of the agricultural potential of their forty square mile tract. And there was little doubt that the remnant could be readily absorbed into Enoch's Band. Many of the followers of Chief Enoch had been associated with the Passpasschase Band in the years preceding the Rebellion, and, conversely, many of Passpasschase's people had resided on the Stony Plain Reserve for longer or shorter periods in the past.

But the previous close intermingling of the two bands was one of the factors which detracted from the credibility of the supposed request to amalgamate with Enoch's Band. If the Treaty remnant of Passpasschase's Band had truly desired to move to Stony Plain, they would simply have left and taken up residence beside Enoch's people, without asking the permission of the Agent. This was what had happened in the past, and although the Department of Indian Affairs was opposed to such migrations, it had previously been unable to prevent them.²⁵

²⁴D.I.N.A., Annuity Paysheets for 1886 - Passpasschase Band.

²⁵Anyone who has examined the Annuity Paysheets for the period between 1876 and 1890 will be forced to agree that Indian families moved from band to band with ease, in spite of a definite prohibition against such transfers. The most dramatic case concerns the Cumberland Band of Fort à la Corne. In the face of an absolute refusal by the Department of Indian Affairs to countenance a transfer by a substantial number of Indians from Cumberland House to the James Smith Band at Fort à la Corne, the Indians moved, and the Department was eventually compelled to establish a separate reserve for them adjacent to James Smith's. See P.A.C., Indian Affairs Records, Vol. 3555, File 10, passim. In the case of Enoch's Band, the great majority of its 1886 membership had, at one time or another, been considered to be members of other bands, including a large number who had formerly resided on the Passpasschase Reserve. D.I.N.A., Annuity Paysheets for 1880 to 1886 - Enoch (or Tommy) Lapotac's Band.

Only a handful had taken this course between the dates of the annuity payments in 1885 and 1886.²⁶ The remainder of the band was to prove reluctant to move in the spring of 1887, and while Agent Anderson continued to refer to the band's "request" to be transferred,²⁷ most others, including Inspector Wadsworth, and the Edmonton Bulletin, spoke of efforts to "induce" the Indians to move.²⁸

Nevertheless, when Assistant Indian Commissioner Hayter Reed reviewed the alleged appeal by the remnant of the Passpasschase Band to be permitted to move to the Stony Plain Reserve, he apparently regarded the request as genuine, and passed it on to the Superintendent General in Ottawa. The Assistant Commissioner expressed his opinion that such an amalgamation of the two bands would be in the best interests of all the Indians concerned, but warned that the people of Edmonton would certainly expect the Passpasschase Reserve to be thrown open for settlement as soon as it was abandoned.²⁹ The Deputy Super-

²⁶The families of the Pound, and Youkooiskass, and an orphan girl named Bella, (five persons in all), transferred from the Passpasschase to Enoch's Band between the 1885 and the 1886 annuity payments, without the formal consent of the Department. D.I.N.A., Annuity Paysheets for 1886 - Enoch's Band.

²⁷W. Anderson, report to the Superintendent General, [June 30], 1887, Canada, Sessional Papers for 1888, Vol. XXI, (No. 15), p. 104.

²⁸T. P. Wadsworth to the Superintendent General, October 20, 1887, Canada, Sessional Papers for 1888, Vol. XXI, (No. 15), p. 143. "Local," Edmonton Bulletin, April 23, 1887, p. 1.

²⁹Hayter Reed to the Superintendent General, January 15, 1887, P.A.C., Indian Affairs Records, Vol. 3773, File 36,440.

intendent General of Indian Affairs³⁰ displayed little concern about the probable reaction of the citizens of Edmonton, and offered no objection to the union of the two Indian groups. What he did insist upon, was that before the remnant of the Passpasschase Band left the reserve, they be required to formally surrender their land to the Crown, so that it could be sold for their benefit. Vankoughnet was also more skeptical of the authenticity of the alleged request for an amalgamation than Reed had been. In a carefully worded letter to the Indian Commissioner, the Deputy Superintendent General explicitly directed that "Passpasschase's Band should not be removed from their Reserve except with their consent."³¹ In view of the general feeling in the town of Edmonton, this warning against coercive measures was timely.

For people who had asked permission to move to a new location, the Treaty Indians resident on the Passpasschase Reserve seemed unusually reluctant to leave their homes. Apparently, Commissioner Dewdney did not pass Vankoughnet's instructions on to Anderson, who renewed his efforts to promote an amalgamation in the spring of 1887. The Edmonton Bulletin reported that one influential member of the Passpasschase remnant who had previously agreed with the Indian Agent to try to persuade his friends to remove to the Stony Plain Reserve on

³⁰Vankoughnet answered most of the mail addressed to the Superintendent General, and made decisions on all but the most important matters.

³¹L. Vankoughnet to E. Dewdney, January 24, 1887, P.A.C., Indian Affairs Records, Vol. 3773, File 36,440. On the draft of this letter, Vankoughnet had begun to write that "Passpasschase Band should not be allowed to leave," and then had struck out the last three words and replaced them with "removed from."

the hope of being elected Chief of the united bands, had reassessed his political prospects during the winter, and decided to oppose any move.³² The authenticity of this report is somewhat suspect,³³ but, for whatever reason, Anderson's efforts were not successful.

But what the local Indian Agent was not able to accomplish, the Assistant Indian Commissioner did with little difficulty. Hayter Reed visited the Edmonton Agency in August of 1887, and met with both the current members of the Passpasschase Band, and those who had withdrawn from Treaty in the previous year. He saw his major task as the eviction of the former Indians, who, in spite of their previous promises, had not left their homes.³⁴ It is said that an influenza epidemic had visited the people on the reserve just prior to Reed's arrival,³⁵ and this had put them in an agreeable frame of mind. The

³²"Local," Edmonton Bulletin, April 23, 1887, p. 1.

³³It is true that Enoch Lapotac had resigned his post as Chief of Enoch's Band in the autumn of 1886, and the vacancy had not been filled. However, Agent Anderson had recommended that no one be appointed to fill the vacancy, and Assistant Commissioner Reed had heartily endorsed Anderson's view. Officials of the Department of Indian Affairs had adopted the policy of discouraging the election of chiefs, whom they regarded as a negative influence on the progress of the Indians. (W. Anderson to the Indian Commissioner, December 30, 1886 and Hayter Reed to the Superintendent General, January 15, 1887, both in P.A.C., Indian Affairs Records, Vol. 3773, File 36,440.) It is, however, quite possible that a member of the Passpasschase Band, unaware of Anderson's recommendation, and of the Department's general policy, could have calculated upon being elected to the chieftainship without any encouragement from the Indian Agent.

³⁴Hayter Reed to the Indian Commissioner, August 18, 1887, and same to same, August 22, 1887, both in P.A.C., Indian Affairs Records, Vol. 3786, File 42,010.

³⁵This story was related to me informally by some of the members of Enoch's Band (notably Lawrence Morin) in 1973. They had been told this by "Big Louis," (Louis Mary Ann on the Annuity Paysheets), now deceased, who had lived on the Passpasschase Reserve as a young man.

Assistant Commissioner gave no details of what means he used to effect the removal, but they do not seem to have been coercive.³⁶ He merely reported that "the Indians of Pahpastoo's band--that is, those who were living on the Reserve--agreed with me to leave the Reserve and join Enoch's band."³⁷ No attempt was made to follow Vankoughnet's instructions and obtain a surrender of the Passpasschase Reserve before it was abandoned. With the discharged Métis still residing on the reserve, and intermingling with the Treaty Indians, any attempt to take such a surrender would almost certainly have failed. The Assistant Commissioner doubtless regarded his primary task to be the eviction of the discharged Métis from the reserve. By persuading the remnant of the band to move to Stony Plain, Reed placed himself in a stronger position in his dealings with the former chief and the others who had received scrip, and, as we have seen, was able to effect their departure. Reed likely considered his failure to obtain the consent of the Passpasschase remnant to the sale of their reserve to be of little consequence. He had not been given the necessary formal authorization to take a surrender, and it would have been several days before a

³⁶The Edmonton Bulletin reported that one man refused to leave the reserve, and stayed behind after the others had left. Yet Reed expressed no concern about this individual, nor did he recommend any measures to get him to leave. The Indian does not seem to have remained on the reserve for long after his neighbours had left, but the Assistant Commissioner's lack of concern does not suggest that he was prepared to coerce the Indians into abandoning the reserve. "Local," Edmonton Bulletin, August 13, 1887, p. 1.

³⁷Hayter Reed to the Indian Commissioner, August 22, 1887, P.A.C., Indian Affairs Records, Vol. 3786, File 42,010.

letter of authority and the regular surrender forms would reach him, had he suggested it. Undoubtedly, the Assistant Commissioner believed that there would be little difficulty in attending to the formalities at a later date. But there were factors which he did not consider, which would complicate the problem, from both a legal and a practical viewpoint.

The remaining members of the Passpasschase Band abandoned their reserve on August 12, 1887, and journeyed to the Stony Plain Reserve, just three or four miles away, across the North Saskatchewan River. Most remained there, but a few drifted away to join other bands, and became more difficult to locate as time passed. Two months after the move, the Treaty annuity payments were made at the Edmonton Agency. Since the Passpasschase Indians were no longer residing on their reserve, they were not treated as a separate entity. Rather, they were paid as members of the bands on whose reserves they happened to be residing. As the individual families were given their per capita Treaty payments and assigned new Treaty numbers³⁸ with other bands, the entity of the "Passpasschase Band" vanished from the annuity pay-sheets of the Department of Indian Affairs. The implications of this action were not considered, but the Indian Act had defined a "band" as:

. . . any tribe, band or body of Indians who own or are interested in a reserve or in Indian lands in common, of which the legal title is vested in the

³⁸In order to prevent any Indian family from receiving annuities twice in a given year, each was given a ticket, with its band name, and an individual family number on it. The head of the family would have to present this ticket annually before receiving his annuities, and the fact that the money had been paid would be

Crown, or who share alike in the distribution of any annuities or interest moneys for which the Government of Canada is responsible. . . .³⁹

Of course, it could not be argued that the Passpasschase Band had been eradicated as a legal entity by the simple action of placing the names of its members on the annuity paysheets of other bands. What was brought into question, however, was the certitude of just which individuals were members of the Passpasschase Band, and which were not. The composition of the Passpasschase Band had always been relatively unstable. Families had been continually entering and leaving the band since it had adhered to Treaty a decade earlier. As long as its people were living on their reserve, and receiving their annual Treaty payments as a distinct unit, there was no difficulty in ascertaining who the members of the band were. But, after the fall of 1887, there was no one living on the reserve, and no group being paid annuities in common for the band. There were, thus, no grounds upon which one could assert that the people who had moved to the Stony Plain Reserve in August of 1887 had any more right to be considered members of the Passpasschase Band than those who had wandered away and joined other bands in previous years. The number of people who might claim a right to be consulted about a surrender and to share in the proceeds of the sale of the land was thus expanded enormously. The Department of Indian Affairs, however, does not seem to have ever considered the implications of its actions in this regard.

noted beside the family's name and number on the annuity paysheets.

³⁹Canada, The Indian Act (1886), 49 Vic., Cap. 43, Sec. 2.

In fact, there was to be very little consideration of any of the aspects of the Passpasschase Reserve surrender. Quite evidently, officials of the Department of Indian Affairs considered the matter to be an insignificant formality, and their actions displayed this careless attitude. A week after Hayter Reed had reported that the reserve had been abandoned, the Deputy Superintendent General had authorized Commissioner Dewdney to take a formal surrender.⁴⁰ Since the Commissioner did not find it convenient to attend to the matter, he delegated the task to the new Indian Agent at Edmonton, Major William Carnegie de Balinhard.⁴¹ This procedure was considered improper under the terms of the Indian Act, and Vankoughnet was compelled to issue a separate authorization and new instructions to de Balinhard. The Edmonton Agent was told to

Cause a meeting of the voting members of the said Papastayo's Band to be convened in accordance with the usual custom for calling such meeting, at such time and place as may to you seem most convenient, and bring before them for consideration, the question of surrendering the land within the said Reserve to be disposed of for their benefit. . . .

Should a majority of the voting members of the Papastayo's Band be in favour of the surrender of the

⁴⁰L. Vankoughnet to E. Dewdney, August 29, 1887, P.A.C., Indian Affairs Records, Vol. 3786, File 42,010.

⁴¹De Balinhard, an old Army officer from England, had formerly served as Agent on the Sarcee Reserve near Calgary. Anderson had been taken seriously ill, and de Balinhard who was transferred north for temporary duty, was eventually called on to stay. Anderson was very slow to recover, and was finally transferred to Regina, where he was given an office job. See P.A.C., Indian Affairs Records, Vol. 3733, File 26,743; Vol. 3712, File 20,523; and Vol. 3746, File 29,628-1 for the personnel files of these two officials. For Dewdney's actions in delegating de Balinhard to take the surrender, see E. Dewdney to W. C. de Balinhard, September 20, 1887, P.A.C., Indian Affairs Records, Vol. 3582, File 10234.

same on the above terms, you may take a formal surrender thereof from them.⁴²

These instructions must have caused some confusion in de Balinhard's mind. It is rather unlikely that there was any "usual custom" for the calling of meetings of the Passpasschase Band, and, if there was, it is even less likely that the new Agent would be aware of it. Furthermore, by the time these instructions were received, the annuity payments had been made,⁴³ and the question of just who ought to be considered a member of the band had been greatly complicated.

But the uncertainty that de Balinhard may have felt over these issues could hardly justify his delay in attending to the matter. The instructions, issued on September 30, 1887, were not acted upon until November 19, 1888, and the completed surrender was not forwarded to Ottawa until August 30, 1889.⁴⁴ The Agent explained the delay by claiming that the men of the band could not be found. On November 15, 1887, he declared that there were only two adult males from the Passpasschase Band left on the Stony Plain Reserve, and that one of those was away on a hunt.⁴⁵ Yet, less than six weeks earlier he had paid annuities to ten men with Enoch's Band who had just abandoned the Pass-

⁴²L. Vankoughnet to W. C. de Balinhard, September 30, 1887, P.A.C., Indian Affairs Records, Vol. 3786, File 42,010.

⁴³Enoch's Band was paid its annuities on October 3, 1887. D.I.N.A., Annuity Paysheets for 1887 - Enoch's Band.

⁴⁴A. E. Forget to the Deputy Superintendent General, August 30, 1889, P.A.C., Indian Affairs Records, Vol. 3582, File 10234.

⁴⁵W. C. de Balinhard to the Indian Commissioner, November 15, 1887, P.A.C., Indian Affairs Records, Vol. 3582, File 10234.

passchase Reserve in August.⁴⁶ In March of 1888, he revised his accounting of the number of Passpasschase's people living with Enoch's Band to three men, but still insisted that a greater number were to be found at the Bear's Hills Indian Agency, or at other locations unknown, and that it would be quite impossible to arrange a proper meeting of the voting membership of the band.⁴⁷ Assistant Indian Commissioner Hayter Reed replied to this by pointing out that the Indian Act only required adult males living "on or near" their reserve to be consulted, and implied that the men living at Bear's Hills or more distant locations did not have a right to participate in the surrender proceedings.⁴⁸ The Edmonton Agent took no hint from this suggestion, however, and did not attempt to call the Passpasschase people together to discuss the matter, even when he personally paid annuities to eight of the 1886 Passpasschase Band members on October 1 and 2, 1888.⁴⁹

⁴⁶D.I.N.A., Annuity Paysheets for 1887 - Enoch's Band. In addition to these, de Balinhard had paid annuities to another man now residing on Alexander's Reserve, who had been listed with the Passpasschase Band at the 1886 annuity payments. He had also paid annuities to a great number of others who had left the Passpasschase Band and moved to Stony Plain in the years prior to 1887.

⁴⁷W. C. de Balinhard to the Indian Commissioner, March 30, 1888, P.A.C., Indian Affairs Records, Vol. 3582, File 1023.

⁴⁸Hayter Reed to W. C. de Balinhard, April 23, 1888, P.A.C., Indian Affairs Records, Vol. 3582, File 1023. It is worthy of note, however, that on other occasions the Department of Indian Affairs was to affirm the right of Indians living at a much greater distance from their former reserve to participate in a surrender meeting. An example was the Sharphead Reserve, near the present site of Ponoka, which was surrendered by former band members living at Lake Wabamun in 1897. See P.A.C., Indian Affairs Records, Vol. 3912, File 111,777 passim.

⁴⁹D.I.N.A., Annuity Paysheets for 1888 - Enoch's and Alexander's Bands.

De Balinhard's real reason for lack of action was more likely concerned with other serious problems he was facing as a new Agent than with any difficulty in physically locating a proper representation of the adult males. The winter of 1887-1888 was a moderately severe one. Game was more scarce than usual, and the weather was cold. What was of greater consequence, the bad weather and a series of accidents delayed the arrival of the Department of Indian Affairs' supplies at Edmonton. Rations were very short, and the Indians were hungry--starving, some said. The hardships were increased by the surreptitious feeding of those who had been discharged from Treaty by those Indians receiving rations from the government. The worst of the suffering was over by the end of January when the overdue provisions began to arrive and the ration issues were somewhat increased.

But while the actual hunger diminished, the political consequences of it increased. The Edmonton Bulletin, ever anxious to discredit the Conservative administration, began to publish articles on starving Indians in February of 1888. The stories were quickly reprinted by Liberal newspapers across the country, and conditions in the Edmonton Indian Agency became a national scandal. The Indians, naturally indignant on account of the privations they had been forced to endure, found themselves possessed of a public audience for the first time. They were anxious to establish that they had a right to be fed when in want, and commenced to kill their band cattle when their demands were not quickly met. Exaggerations and misleading statements were engaged in by both Indians and the Opposition press, and these were gleefully seized upon and exposed by government officials and their partisans in the fourth estate who denied that there were any

grounds for complaint, whatsoever.⁵⁰ While the Indians on the Stony Plain Reserve were only peripherally involved in the "starvation" controversy, there was an undercurrent to it, of which they were at the very centre. This was the attempt by the local Roman Catholic clergy to have Agent de Balinhard dismissed, and replaced by a man of their faith.

The Catholics had long been dissatisfied with the government's administration of Indian Affairs in the Edmonton region--often with good reason. They had been disturbed by examples of Agent William Anderson's incompetence and mean-spiritedness in his relations with the Indians, and frequently asked that he be removed.⁵¹ Moreover, they were convinced that he possessed anti-Catholic biases, and favoured the Protestant denominations in the conduct of the Agency's affairs. While they were never able to show that any of Anderson's actions had discriminated against them, it would appear that the Agent did have strong

⁵⁰For details of this "starvation" controversy see P.A.C., Indian Affairs Records, Vol. 3749, File 46,205 passim and many items in the Edmonton Bulletin, including "Indians," February 4, 1888, p. 3; untitled item, February 18, 1888, p. 2; "Indians," February 25, 1888, p. 3; "Hungry Indians," March 10, 1888, p. 4; untitled item, March 18, 1888, p. 1; "Rations," March 24, 1888, p. 4; "Victoria," March 31, 1888, p. 4; untitled item, April 7, 1888, p. 1; untitled item, April 28, 1888, p. 3; "Those Indians" and "The Edmonton Indians," May 5, 1888, pp. 2 and 3 respectively. Also, several items in the "Local" column in February, March, and April, 1888.

⁵¹See P.A.C., Indian Affairs Records, Vol. 3673, File 10,986 passim, and L. Vankoughnet to Sir John A. Macdonald, January 19, 1886, P.A.C., Macdonald Papers, Vol. 213, No. 90524-90531. But Dewdney insisted that Anderson was only unpopular because he was careful in following his instructions and never did things on his own responsibility. The Commissioner thought it would be most unfair to reprimand him. See E. Dewdney to Sir John A. Macdonald, February 14, 1886, P.A.C., Macdonald Papers, Vol. 213, No. 90515-90520.

personal prejudices against the Catholic Church.⁵² Such prejudices, even when they had no discernible effect on the interests of the Catholics, were certain to be general knowledge in a small community like Edmonton, and to cause a much greater sense of grievance than was justified by the facts.

The bitterness reached a climax when the Presbyterian Church opened a school and mission on the Stony Plain Reserve in late 1885. The Catholics, who had claimed that the members of Enoch's Band were all baptized adherents of their denomination, were very alarmed, and commenced to build their own school and mission in an attempt to counteract the influence of their sectarian rivals. An outpouring of charges and countercharges followed, with each denomination accusing the other of deception, bribery, and intimidation of the Indians. The accusations possessed some credibility, for the statements of both sides were subscribed to by many of the same Indians. Anderson was charged with favouring the Presbyterians.⁵³

Anderson's successor, de Balinhard, as a Protestant fell heir to the great volume of bitterness that the Roman Catholic clergy had built up against his predecessor. While there appears to have been little or no reason for supposing that the new agent was guilty of preju-

⁵²See, for example, the charges of Thomas Risdale in P.A.C., Indian Affairs Records, Vol. 3788, File 43,943. While Anderson seems to have acted quite properly in firing Risdale, the Agent did not bother to deny that he had made the statements against the Catholic Church of which he had been accused.

⁵³P.A.C., Indian Affairs Records, Vol. 3773, File 35,457 passim.

dices directed particularly against the Church of Rome,⁵⁴ the Catholic clergy had been anticipating that a man of their faith would be appointed, and were disheartened when this did not come to pass. The individual who had been nominated as Anderson's successor by Bishop Grandin and the Oblate Order, Samuel Cunningham,⁵⁵ was the one who first brought the hungry state of the Edmonton Agency Indians to the attention of the Edmonton Bulletin⁵⁶ and there were many hints thrown out by certain of the Catholic priests and their adherents that the replacement of de Balinhard with a Catholic Agent would put a quick end to the charges of starvation among the Edmonton Indians.⁵⁷

The Catholic hierarchy may not have had as much control over the complaints of hungry Indians as either itself or government officials wished to believe, but, a second effort to outmanoeuvre the Presbyterians on the school question was more completely under their guidance. This was the attempt to build an idyllic Catholic Indian colony

⁵⁴William Carnegie de Balinhard does not appear to have been a particularly religious man. On his personnel form he described himself as merely "Protestant," rather than as the adherent of any particular denomination. It is unlikely that a man of that time who cared very deeply about religion would not have been a member of one particular denomination or another. See William C. de Balinhard, personal information form, February 15, 1885, P.A.C., Indian Affairs Records, Vol. 3712, File 20,523.

⁵⁵See L. Vankoughnet to Sir John A. Macdonald, January 18, 1886, P.A.C., Indian Affairs Records, Vol. 1089 (Letterbook), pp. 353-355.

⁵⁶See "Indians," Edmonton Bulletin, February 4, 1888, p. 3.

⁵⁷H. S. Young to [?], February 25, 1888; Hayter Reed to E. Dewdney, March 9, 1888; Hayter Reed, telegram to E. Dewdney, March 5, 1888; all in P.A.C., Indian Affairs Records, Vol. 3794, File 46,205. Hayter Reed to E. Dewdney, April 6, 1888, P.A.C., Macdonald Papers, Vol. 327, No. 147882-147889.

on Alexander's Reserve at Rivière Qui Barre. The somewhat naïve vision of a peaceful and contented Indian community, governed by the clergy, and isolated from the evil and destructive aspects of Western Civilization, had antecedents as distant as the Indian reserves established in Quebec under the old régime, on which Bishop Grandin's scheme was perhaps modelled. There had been, and were to be, several other attempts to establish similar colonies throughout the North West.⁵⁸ In all cases, a large group of Indians was to be gathered together on one reserve. They would be completely isolated from any white man not approved of by the clergy, and from such temptations as liquor. The children would be educated from a young age, and their elders taught to farm. The Department of Indian Affairs would be expected to pay the costs of such an experiment, at least until it became self-supporting, but its local officers would be subordinate to the Catholic clergy in its operation. Within a generation, it was hoped, the Indian residents of the community would be transformed into civilized and Christian people, and a shining witness to the power of the Catholic faith.⁵⁹

However appealing certain aspects of such a colony might appear, government officials were generally very sceptical about these schemes. Besides the political impossibility of placing government

⁵⁸Supra, pp. 11-13. An example of a similar project contemporaneous with Grandin's, was the attempt to establish a colony at Pine Creek on Lake Winnipegosis; in P.A.C., Indian Affairs Records, Vol. 3574, File 197 passim. Other examples were Father Lacombe's attempt to establish a Métis colony at St. Paul, and the File Hills Colony on the Peepeekeesis Reserve of the File Hills Agency in Saskatchewan.

⁵⁹P.A.C., Indian Affairs Records, Vol. 3574, File 197 passim, and other material re the Pine Creek Colony.

officials under the direction of ecclesiastical authorities, there were practical arguments against the proposals. In the first place, the congregation of a great many Indians in one place, and regulations which would prevent them from travelling to distant locations where contact might be made with evil influences, would, in combination, soon result in the extinction of all game in the vicinity of the colony, and greatly increase the expenditure of the Department of Indian Affairs on rations of food and clothing. Furthermore, there was little likelihood that the chiefs, headmen, and members of the different bands would live in harmony with each other, particularly when they were of different tribes and spoke different languages. On these grounds, government officials usually opposed Catholic proposals for large Indian colonies.⁶⁰

In April of 1888, suggestions began to be heard that Alexander's, Alexis's, and Enoch's, (including the remnant of Passpass-chase's) Bands ought to be amalgamated, and the latter two moved to Alexander's Reserve at Rivière Qui Barre. Alexander, who stood to become chief of this new large band, first broached the idea vaguely to Assistant Commissioner Reed in early April while that official was investigating the charges of starvation.⁶¹ Shortly thereafter, on April 19, Mahminawatow, accompanied by several other members of Enoch's Band, presented Agent de Balinhard with a list of seventeen heads of

⁶⁰Ibid.

⁶¹Hayter Reed to the Indian Commissioner, April 5, 1888, P.A.C., Indian Affairs Records, Vol. 3796, File 47,249.

families resident on the Stony Plain Reserve, who, it was said, wished to leave their then homes and move to Alexander's or Michel's Reserve. The list was signed by Rev. Father C. Tissier, the Oblate priest on the reserve, and contained the names of two men who had just moved from the Passpasschase Reserve.⁶² The Agent doubted that half of those whose names were on the list would actually go, but that all who were refused permission would feel aggrieved. He therefore urged the Department of Indian Affairs to give its leave to those who wished to depart.⁶³ His superiors, on the other hand, had had experiences with the division of Indian bands in the past, and refused to sanction any such movement.⁶⁴ Bishop Grandin then made a direct appeal to Hayter Reed, recently appointed Indian Commissioner, for permission to unite Alexander's, Enoch's, and Alexis's people at Rivière Qui Barre, where a substantial Catholic colony could be established. Reed suspected that the motive behind this proposal was simply to remove the members of Enoch's Band from the influence of the Presbyterian school and mission, and recommended against it.⁶⁵ The Deputy Superintendent

⁶²Nabesis [Napisis] and Mikwen [Antoine]. These two later signed the Passpasschase surrender. For the list see C. Tissier, "List of men who want to leave Stony Plain . . .," n.d. [April, 1888], in P.A.C., Indian Affairs Records, Vol. 3770, File 33,711.

⁶³W. C. de Balinhard to the Indian Commissioner, April 19, 1888, P.A.C., Indian Affairs Records, Vol. 3770, File 33,711.

⁶⁴E. Dewdney to the Superintendent General, May 4, 1888; and L. Vankoughnet's marginal notes thereon, May 8, 1888, P.A.C., Indian Affairs Records, Vol. 3770, File 33,711.

⁶⁵Hayter Reed to the Superintendent General, October 27, 1888, P.A.C., Indian Affairs Records, Vol. 3806, File 52,332.

General of Indian Affairs, Lawrence Vankoughnet, took a similar view.⁶⁶ Nevertheless, efforts to induce the Indians of these bands to support such a proposal continued to have an unsettling effect for some time.⁶⁷

With these controversies swirling around him, it is not surprising that Major de Balinhard found little time to deal with the surrender of the Passpasschase Reserve. But such other pressures can only partially explain the many irregularities in the surrender that was obtained. On November 15, 1888, Indian Agency Inspector Timothy P. Wadsworth arrived in Edmonton to begin his annual tour of the local Agency.⁶⁸ Although the Agent had not taken advantage of the excellent opportunity to consult with the former residents of the Passpasschase Reserve afforded by the 1888 annuity payments, just six weeks earlier, Wadsworth's visit apparently brought the matter of the disposition of the land forcefully to de Balinhard's attention. Within four days of the Inspector's arrival, a surrender had been taken.

The surrender instrument that was signed on November 19, 1888, gave evidence of great carelessness and haste. The forms which had been transmitted to de Balinhard in September of 1887, had apparently

⁶⁶L. Vankoughnet, memorandum to E. Dewdney, November 12, 1888, P.A.C., Indian Affairs Records, Vol. 3806, File 52,332.

⁶⁷In January, 1889 Chief Alexis told the Agent that Alexander and one Father Blanchette had threatened that the government would cut off all rations to them if they did not move to Rivière Qui Barre. Chief Alexis retorted that his band would not move, and was not always dependent on the government's rations, as was Alexander's. The claim that the government would terminate rations if the band would not move was, of course, a falsehood. W. C. de Balinhard to the Indian Commissioner, January 31, 1889, P.A.C., Indian Affairs Records, Vol. 3770, File 33,711.

⁶⁸"Local," Edmonton Bulletin, November 17, 1888, p. 1.

been drafted for use in the more settled regions of Eastern Canada. Alterations would have been necessary to make them applicable to the special circumstances of the Passpasschase surrender. The blanks were filled by Joseph V. Kildahl, a local lawyer whose business was so slow that he was compelled to seek temporary employment as the storeman at the Indian Agency,⁶⁹ and many of the necessary changes were not made.

Know all Men by these Presents,
 THAT WE, the undersigned Principal men of
 Passpasschase Band of Indians No. 136⁷⁰
 resident on our Reserve near Edmonton
 in the Province of Alberta. . . .⁷¹

the document began, although the members of the band had not been resident on their reserve for more than fifteen months, and "Province of Alberta" was an entity more than sixteen years in the future. It went on to declare that the Passpasschase Reserve was being surrendered to the Crown, in trust, to be disposed of to "such person or persons and upon such terms as the Government of the Dominion of Canada may deem most conducive to our welfare, and that of our people."⁷² The pro-

⁶⁹The handwriting for the insertions is that of Kildahl. The Passpasschase Band, Surrender Instrument, November 19, 1888, a document in the possession of the Department of Indian and Northern Affairs, Land Registry Office, Ottawa. For Kildahl's position in the Edmonton Indian Agency, see Canada, Parliament, "Report of the Auditor General for the Year Ending June 30, 1889," in Canada, Sessional Papers for 1890, Vol. XXIII (No. 5), p. E-135.

⁷⁰No. 136 was an arbitrary number that had been given to the band and its reserve in the early 1880's. It had no significance other than as a handy means of identification.

⁷¹Passpasschase Band, Surrender Instrument, November 19, 1888.

⁷²Ibid.

ceeds from the "sale or lease" of the land were to be funded, and the interest was to be paid annually or semi-annually to the members of the Passpasschase Band.⁷³ What was not included in this enumeration of conditions was the position of Enoch's Band, which had allowed the Passpasschase people to share in the Stony Plain Reserve lands. As early as April of 1887, the Department of Indian Affairs had decided that the membership of Enoch's Band should be allowed to benefit from the proceeds of the sale of the Passpasschase Reserve.⁷⁴ Agent de Balinhard had been explicitly instructed to explain this matter to the former members of the Passpasschase Band.⁷⁵ Yet the surrender instrument made no mention of this very significant provision, nor did it indicate that the Treaty membership of the old Passpasschase Band would be amalgamated with Enoch's Band, as had been intended. Not until January 24, 1894, fully five years after the surrender, was an agreement signed by two representatives of the Passpasschase Band and four of Enoch's, which sanctioned the union of the two bands, and the application of the entire proceeds from the sale of the Passpasschase Reserve to the funds of the enlarged Enoch's Band.⁷⁶ Other, less significant, conditions were also

⁷³Ibid.

⁷⁴E. Dewdney to the Superintendent General, April 9, 1887; L. Vankoughnet to E. Dewdney, April 22, 1887; both in P.A.C., Indian Affairs Records, Vol. 3773, File 36,440.

⁷⁵E. Dewdney to the Indian Agent, Edmonton, September 20, 1887, P.A.C., Indian Affairs Records, Vol. 3582, File 1023½. L. Vankoughnet to W. C. de Balinhard, September 30, 1887, P.A.C., Indian Affairs Records, Vol. 3786, File 42,010.

⁷⁶Wm. Ward et al., agreement, January 24, 1894, P.A.C., Indian Affairs Records, Vol. 3582, File 1023½. The legal effect of this agreement is unclear. There was no provision in the Indian Act for such an amalgamation of bands.

omitted from the terms of the surrender instrument.⁷⁷

The most objectionable part of the whole proceeding, however, was that so few of the members of the Passpasschase Band were consulted. Only three men were invited to consider the important matter. It is said that one of the three, Napasis, objected to the surrender and favoured the retention of the Passpasschase Reserve until such time as his band's population had revived sufficiently to make use of the land once again; de Balinhard is alleged to have replied that such a small number of Indians would not be permitted to keep such a large block of land idle.⁷⁸ When the question was presented to them in this way, Napasis, and his two colleagues, Antoine, and James Stoney, each marked his "X" on the surrender instrument and gave assent to the

⁷⁷When the surrender instrument was signed, the three signatories asked for, and were promised, lumber and shingles to assist them in building new houses on the Stony Plain Reserve. The cost of purchasing these materials, which was estimated at approximately \$114.00, was to be recouped from the proceeds of the sale of the Passpasschase Reserve, yet no mention was made of this provision in the terms of the surrender, and the promise may not have been fulfilled. No expenditure for building materials was made from the funds of Enoch's Band until 1900-1901. A. E. Forget to the Deputy Superintendent General, August 30, 1889, P.A.C., Indian Affairs Records, Vol. 3786, File 42,010; Passpasschase Band Surrender Instrument, November 19, 1888; Canada, Sessional Papers for 190f, Vol. XXXIV (No. 1), p. J-129. It is possible, however, that the requested building materials were supplied, but that the Department of Indian Affairs never took the trouble to recoup the amount expended from the Capital Funds of Enoch's Band. The oldest living member of Enoch's Band has told me that the government did assist the members of the Passpasschase Band to build new houses on the Stony Plain Reserve. Kenneth J. Tyler, taped interview with Jim Lapotac, November 22, 1972, (in Cree), in the possession of Enoch's Band, Winterburn, Alberta.

⁷⁸Kenneth J. Tyler, personal and informal interview with Jim Lapotac at the Enoch's Band Office, October, 1973.

alienation of forty square miles of valuable land.⁷⁹

But there were many others who had an equal right with these three to be consulted on the disposition of the surrendered land. Even if one were to believe that only those adult males who would have been considered members of the Passpasschase Band in September of 1886 were eligible voters, there were at least twelve other persons who had an equally good claim to decide on the question of the surrender as the three who signed the instrument. Of these twelve, five had recently received their annuities from Agent de Balinhard, and three others had been paid by Agent Lucas at Peace Hills, and could have been located by the authorities with very little difficulty.⁸⁰ De Balinhard excused himself by claiming that the three who signed were the only men of the band then remaining and located on the Stony Plain Reserve.⁸¹ Even were this true, which is doubtful, it should hardly have mattered that some of the eligible voters were residing in one place, and others at different locations scarcely farther away from the reserve in question. The Department, however, appears to have considered the surrender merely a pro forma matter, and took no notice of any irregularities or inconsistencies in its wording or in the manner in which it was achieved.

Having obtained his three signatures, Agent de Balinhard was

⁷⁹Passpasschase Band, Surrender Instrument, November 19, 1888.

⁸⁰D.I.N.A., Annuity Paysheets for 1886, 1887, and 1888 - Passpasschase, Enoch's, Alexander's, Sampson's, and Ermineskin's Bands.

⁸¹See A. E. Forget to the Deputy Superintendent General, August 30, 1889, P.A.C., Indian Affairs Records, Vol. 3786, File 42,010 and draft of same letter in Vol. 3582, File 10234.

compelled to wait until May 22, 1889 before he could take Napasis before Justice Rouleau of the Supreme Court of the North West Territories to undertake the second step in the surrender procedure--the swearing of an affidavit by himself and Napasis, as the principal man of the Passpasschase Band, to the effect that the surrender was taken in accordance with the terms of the Indian Act.⁸² The documents were then forwarded to Ottawa where they were accepted by Order in Council on October 12, 1889. The object of the surrender was said to be "to admit of the land comprised in the Reserve being sold by the Department for the benefit of the Indians owning the same."⁸³

While the intention to sell the land was clear, the task proved somewhat more difficult of accomplishment than was believed. The land was re-subdivided by Surveyor John C. Nelson in October of 1890, and each quarter section was evaluated at \$3.00 per acre as an upset price. In spite of the many earlier protests to the effect that the land of the Passpasschase Reserve was needed by better men, it proved exceedingly difficult to sell. Two auction sales, held at Calgary and Edmon-

⁸²Actually it could be argued that the affidavit is not in accord with the Indian Act, as it merely affirms that the surrender was approved by a majority of the adult males at the meeting called to consider it, and the best interpretation of the relevant clause of the Indian Act would appear to require the assent of a majority of the adult males of the band. W. C. de Balinhard and Napasis, deposition sworn before Charles Rouleau, May 22, 1889, P.A.C., Privy Council Records, Series 1, P.C. 2329/1899, (October 12, 1889.)

⁸³Canada, Privy Council, Order in Council, October 12, 1889, P.A.C., Privy Council Records, Series 1, P.C. 2329/1889.

ton in 1891 and 1893 respectively, were dismal failures.⁸⁴ The land was then placed in the hands of the Dominion Lands Agent at Edmonton for sale to individual settlers at the surveyor's valuation. Commencing on January 1, 1894, sales were made to settlers arriving in Edmonton for prices ranging from \$3.50 to \$4.00 per acre. By 1902 all of the land had been sold,⁸⁵ most of it to a number of Moravian immigrants under the guidance of a Rev. Clement Hoyler.⁸⁶ A few of the sales were not completed until 1930, but the majority of the purchasers had received their patents by 1908.⁸⁷ Enoch's Band received a total of

⁸⁴Charges were made that a swindle was being perpetrated in connection with the 1891 auction. Edgar Dewdney, the then Superintendent General of Indian Affairs, replied rather lamely to such accusations in the House of Commons a few days before the sale was to take place. But bungling and a poor demand for the land seems to have been responsible for the poor results. Only three sections of the forty square miles were sold, and seeing that the small attendance of buyers were all speculators, Indian Commissioner Hayter Reed stopped the sale on the grounds that the prices being achieved were too low. In 1893 only a little over five sections were disposed of, and a great effort was made to prevent speculators from purchasing. If Dewdney or anyone else was attempting to rig the sale of the reserve in their own interest, it is quite apparent that they failed. See Canada, Debates of the House of Commons, 1891 Session, columns 1403-1406, and P.A.C., Indian Affairs Records, Vol. 3786, File 42010-2B passim.

⁸⁵See J. D. McLean to D. P. Keogh, Strathcona, December 19, 1902, in D.I.N.A., File 774/36-2, in the possession of the Department of Indian and Northern Affairs, Ottawa.

⁸⁶Arthur S. Morton, A History of Prairie Settlement, (Toronto: Macmillan, 1938), p. 98. Rev. Morris W. Leibert, "Bruederfeld and Bruederheim. Moravian Settlements of German Russians in Alberta, Canada," - pamphlet, (Bethlehem, Pennsylvania: 1896) and P.A.C., Indian Affairs Records, Vol. 3786, File 42010 and 42010-2B and Vol. 6668, File 110A-5-1 and 110A-5-2. The latter four files give extensive information on the sale of the Passpasschase lands.

⁸⁷D.I.N.A., "Reserve Land Sales Register," - Sales Book No. 2 in the possession of the Department of Indian and Northern Affairs, Ottawa.

\$98,701.44 from the sale of the reserve, or \$3.87 per acre.⁸⁸

While this money was placed to the credit of Enoch's Band, the Indians received very little personal benefit therefrom. The clause of the surrender promising annual or semi-annual distributions of interest does not appear to have been honoured, and by the late 1890's former members of the Passpasschase Band began to complain that they had received nothing from the sale of their old reserve.⁸⁹

⁸⁸Ibid. This figure excludes the amount received in interest from the purchasers and the small amounts received from the sale of haying rights on the unsold lands. See D.I.N.A., File 774/32-1-2, in the possession of the Department of Indian and Northern Affairs, Ottawa.

⁸⁹Frank Oliver to Clifford Sifton, June 27, 1897; and James Stoney, statement to A. McDonald, August 28, 1897; both in P.A.C., Indian Affairs Records, Vol. 7542, File 29110-6.

CHAPTER V

A HARBINGER

At the present time the former reserve on the South side is producing many thousands of bushels of grain, thereby adding to the wealth of the country, all of which would not have been had the land yet remained in the hands of the Indians, who would have simply led an idle life and produced nothing but bills which the Indian Department would have to pay.¹

--Frank Oliver, July 28, 1897.

The tract of land surveyed for the use and benefit of the Passpasschase Band was the first Indian reserve in the Canadian North West to be surrendered and sold. It was not to be the last. During the course of the succeeding forty years, the entire reserves of a dozen other Indian bands in the three prairie provinces were permanently alienated.² More than forty others were greatly reduced in area by the surrender process.³ Yet, like many precedents, the Passpasschase surrender was not intended as the first step of a well-considered programme. It is true that the Superintendent General of Indian Affairs and his Deputy had flirted briefly with a comprehensive policy of reserve land surrenders, to be particularly directed towards bands which had experienced a significant number of withdrawals from Treaty. But such ideas were soon rejected, and Michel's Band, which had prompted consideration of the policy, kept its 'surplus' lands until 1903.

¹Frank Oliver to Clifford Sifton, July 28, 1897, P.A.C., Indian Affairs Records, Vol. 7542, File 29110-6.

²These were the Sharphead and Bobtail Reserves in Alberta, the Chekastapasin, Ocean Man, Pheasant's Rump, Swan Lake (7A), Little Bone, Thunderchild, and Moosomin Reserves in Saskatchewan, and the Gambler, Turtle Mountain, and St. Peter's Reserves in Manitoba. In some of these cases the old reserves were completely sold, and new reserves, located in less desirable locations, farther from white settlement, were purchased by the bands at a lower price than they had received for their former lands. In another instance, that of the Young Chipewyan Reserve, no surrender was taken, and the land was alienated without compensation. Canada, Department of Indian and Northern Affairs, Land Registry Office, "Reserve General Register" for each of the reserves named. In addition to these twelve there were other reserves that were completely surrendered in exchange for other lands elsewhere, but for which no financial compensation was paid.

³These included surrenders from the Stony Plain, Michel, Alexander, Sampson, Louis Bull, Peigan, Wabamun, Blackfoot, Stoney, Sarcee, Pigeon Lake, Saddle Lake, Duncan, Horse Lakes, Swan River, and Driftpile Reserves in Alberta, the Cumberland House, Cumberland (100A),

Nor was the Passpasschase surrender the result of a policy urged upon the Department of Indian Affairs from another quarter. While Alberta politicians and the townspeople of Edmonton had loudly proclaimed that Indian reserves should be removed from the vicinity of growing white settlements, Indian Affairs did not adopt that view. For six years it successfully ignored pressure from the people of Edmonton directed against the continued location of the Passpasschase Reserve to the south of their settlement, and no move was made to relocate other reserves near growing centres of white population until after 1896.⁴ High officials of the Indian Department paid little more heed to the Department of the Interior's representations that in cases where reserve lands had been set aside for Indians who had subsequently

Coté, Grizzly Bear's Head and Lean Man, Assiniboine, Pasquah, Kahkewistahaw, Cowessess, Fishing Lake, Key, Keeseekoos, Muscowpetung, Mistawasis, Muskowequan, Meadow Lake, Big River, Muskeg Lake, Poor Man, Ochapowace, Piapot, Last Mountain Lake, and Little Black Bear Reserves in Saskatchewan, and the Roseau River and Swan Lake Reserves in Manitoba. D.I.N.A., Land Registry Office, "Reserve General Register" for each of the reserves named.

⁴In 1886 there had been pressure to relocate the Crooked Lakes Reserves in order to increase the distance between them and the town of Broadview, Assiniboia. The Indians were not approached for a surrender, however, because the Indian Agent expressed doubts about the scheme. Tyler, "History of the Cowessess Band," pp. 88-91. Following the 1896 election, efforts to relocate these reserves were renewed, and ultimately surrenders of the portion of these reserves nearest the main line of the C.P.R., were taken; *ibid.*, pp. 93-118. Attempts, successful and otherwise, were made to obtain the surrenders of other reserves near settlements after 1896. For a discussion of some of these efforts in Southern Saskatchewan, see Stewart Raby, "Indian Land Surrenders in Southern Saskatchewan," in *Canadian Geographer*, Vol. XVII (1973), No. 1, pp. 36-52. The most controversial surrender designed to remove Indians from the vicinity of white settlement was probably that of the St. Peter's Reserve near Selkirk, Manitoba, in 1907. P.A.C., Indian Affairs Records, Vol. 3617 to 3620, File 4646 to 4646-X.

received half-breed scrip, such lands should be made available for settlement as ordinary Dominion Lands. When it was alienated, the Passpasschase Reserve was sold in individual quarter sections and was not thrown open for homestead entry, nor utilized to fulfil land grant commitments to Canadian railroads.

The Passpasschase surrender was not then the result of any policy for reserve land surrenders. Rather, it was the reaction to a unique set of circumstances. The entire membership of the band had desired to withdraw from Treaty and accept half-breed scrip, a majority were permitted to do so, and the Indians remaining in the band were those judged to be the least capable of supporting themselves. When the remnant allegedly appealed for permission to join Enoch's Band on the Stony Plain Reserve, it is hardly surprising that the Department of Indian Affairs should have considered it advisable to agree to the request. Although the desire of the Treaty members of the Passpasschase Band to abandon their reserve was questionable, all doubts on that score were overshadowed by the practical problem of evicting the former Indians who refused to leave their homes on the reserve. Immediate difficulties rather than general policy led to the successful effort to persuade the Treaty remnant to move to Stony Plain in August of 1887.

Thus, the Passpasschase Reserve was abandoned, and a surrender was needed to regularize the proceeding. Quite apparently, officials of the Department of Indian Affairs in the North West considered such legal necessities as relatively unimportant. When compared with the problems of maintaining peace and of providing relief to the starving, the significance of such nuisances as the proper procedure for the calling

of band meetings, the signing of documents, and the swearing of affidavits were at a discount. This careless attitude toward legal niceties was reflected in the administration of the Passpasschase Reserve lands. The reserve, itself, was not "confirmed" by Order in Council until May of 1889, six months after the surrender instrument had been signed. The lands within it were not withdrawn from the operations of the Dominion Lands Act until June of 1893, almost four years after the surrender had been accepted by Order in Council. The Passpasschase Indians were admitted into membership in other bands before they were requested to consent to the sale of their reserve, greatly complicating the question of who had a right to participate in the surrender proceedings. Opportunities to consult with a representative number of the adult male membership of the Passpasschase Band were neglected in favour of a hasty meeting with a mere fraction of the population eligible to vote on the question of alienating their reserve. At that meeting, standard surrender forms, prepared for use in Eastern Canada, were signed without being altered to conform to the actual circumstances of the Passpasschase Band and its reserve. Such irregularities stemmed from carelessness and inexperience rather than any malevolent attempt to rob the Indians of their land, but they have cast doubt upon the validity of the entire procedure.⁵

Officials of the Department of Indian Affairs were not pleased with the outcome of the Passpasschase surrender, and did not wish to

⁵In 1973, the Enoch's Band made a presentation to the Indian Claims Commissioner, Dr. Lloyd Barber, arguing that the Passpasschase surrender was invalid. The claim has not, as of 1978, been pursued in the courts, however.

have it established as a precedent for the alienation of abandoned reserves. Hayter Reed, the Assistant Indian Commissioner who had persuaded the Treaty Indian remnant to abandon their reserve, was especially disappointed. In 1888, Reed was promoted to the post of Indian Commissioner for Manitoba and the North West Territories,⁶ and, in 1893, he became the Deputy Superintendent General,⁷ the highest ranking civil servant in the Department of Indian Affairs. The legal irregularities did not seem to concern him,⁸ nor did the dissatisfaction on the part of the former members of the Passpasschase Band.⁹ But the sale of the reserve lands seemed to have caused endless trouble. Reed had conducted the first unsuccessful auction of Passpasschase land at Calgary in 1891,

⁶Canada, Secretary of State, The Civil Service List of Canada, 1889 (Ottawa: Queen's Printer, 1890), p. 167.

⁷Canada, Secretary of State, The Civil Service List of Canada, 1894 (Ottawa: Queen's Printer, 1895), p. 169.

⁸Reed's lack of concern for scrupulousness in following proper legal procedures was indicated by his reaction to a warning from Assistant Indian Commissioner A. E. Forget, that all surrenders taken by the Department of Indian Affairs since 1876 might have been invalid since they were only assented to by a majority of the adult male band members at a meeting, rather than by a majority of the total adult male band membership. The Department of Justice advised that the Indian Act should be amended to remove doubt on the question, but Reed declined to take action, because he did not think it to be "at all a wise proceeding to raise any question as to the validity of past surrenders." See A. E. Forget to Hayter Reed, December 29, 1893; and Hayter Reed to A. E. Forget, January 5, 1894; both in P.A.C., Indian Affairs Records, Vol. 3574, File 197; and E. L. Newcombe to the Deputy Superintendent General of Indian Affairs, January 15, 1894, P.A.C., Justice Records, Series A-3, Vol. 103, pp. 424-425.

⁹Reed attempted to keep the proceeds of the sale of the Passpasschase Reserve from the former members of the Passpasschase Band, and from the members of Enoch's Band who were then sharing their reserve with the Passpasschase people. Hayter Reed to E. L. Newcombe, November 28, 1894, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137.

and had been forced to halt the sale when it became apparent that the land would only sell to speculators at disappointingly low prices.¹⁰ The second auction sale, two years later, produced little better results,¹¹ and the land was finally disposed of in quarter sections through the Dominion Lands Office at Edmonton.¹² The local agent of the Department of the Interior refused to exert himself to administer the affairs of the Indian Department,¹³ and the involvement of two government departments often resulted in bureaucratic muddles.¹⁴

¹⁰F. H. Paget to the Deputy Superintendent General of Indian Affairs, July 9, 1891, P.A.C., Indian Affairs Records, Vol. 3786, File 42,010-2B.

¹¹James J. Campbell to the Commissioner, 20 April, 1893; and F. H. Paget to the Deputy Superintendent General, May 1, 1893; both in P.A.C., Indian Affairs Records, Vol. 3786, File 42,010-2B.

¹²Canada, Privy Council, Order in Council, 26 October, 1893, P.A.C., Privy Council Records, Series 1, Vol. 571, P.C. 2789/1893; and Hayter Reed to A. M. Burgess, November 11, 1893, P.A.C., Indian Affairs Records, Vol. 3786, File 42010-2B.

¹³The Dominion Lands Agent at Edmonton, Thomas Anderson, made clear his displeasure at being asked to administer the Passpasschase sales, and, at one point, tried to resign the responsibility. Thomas Anderson to Hayter Reed, May 14, 1894, P.A.C., Indian Affairs Records, Vol. 3786, File 42,010-2B.

¹⁴The confusion was sometimes incredible. Records were kept in three separate places, the earlier sales were administered in Regina, the later sales in Edmonton, and a separate set of records for all sales was kept in Ottawa (A. E. Forget to the Deputy Superintendent General of Indian Affairs, May 22, 1897, P.A.C., Indian Affairs Records, Vol. 3910, File 109,731.) Lands were sometimes sold twice (Thomas Anderson to Hayter Reed, September 6, 1894; Hayter Reed to Thomas Anderson, October 23, 1894; and Thomas Anderson to Hayter Reed, November 8, 1894; all in P.A.C., Indian Affairs Records, Vol. 3911, File 111,213); people were sold the wrong quarter sections (R. W. Lendrum to the Agent of Dominion Lands, Edmonton, September 2, 1895; R. A. Ruttan to R. W. Lendrum, September 9, 1895; both in P.A.C., Indian Affairs Records, Vol. 3786, File 42,010-2B); money and documents were sent to the wrong places (A. E. Forget to Hayter Reed, December 3, 1894; Bown and Prince to the Secretary, Department of the Interior, December 3, 1894; both in P.A.C., Indian Affairs Records, Vol. 3786, File 42,010-2B); and the

Hayter Reed was evidently disillusioned with these results, and, after assuming the post of Deputy Superintendent General, vainly sought the means to evade the surrender provisions of the Indian Act in other cases where Indian reserves had been abandoned. In 1894, the new Deputy Minister of Justice, E. L. Newcombe, was asked to comment upon G. W. Burbridge's 1886 legal opinion that "surplus" lands must be surrendered before being alienated.¹⁵ Newcombe could find no fault in his predecessor's reasoning, and replied that there was "no provision in the law . . . under which a reserve set apart under this treaty for a particular band can on account of reduction for any cause of the original number of the band, be reduced in extent without the sanction of those who still continue to be members."¹⁶ Upon the slender reed of the final eleven words of this pronouncement, the Deputy Superintendent General built a very precarious policy.

In 1889 the Department of Indian Affairs had finally agreed to compromise with reality and to recognize the transfers of individual Indians from one band to another. A procedure for formal transfers was devised, and standard forms to be used in the process were drafted and distributed.¹⁷ In 1895, an amendment to the Indian Act was passed by

Department of Interior's method of computing interest differed from that of Indian Affairs, causing numerous disputes (R. A. Ruttan to Hayter Reed, August 1, 1895, P.A.C., Indian Affairs Records, Vol. 3786, File 42,010-2B).

¹⁵Hayter Reed to E. L. Newcombe, November 28, 1894, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137.

¹⁶E. L. Newcombe to Hayter Reed, November 30, 1894, P.A.C., Indian Affairs Records, Vol. 3729, File 26,137.

¹⁷P.A.C., Indian Affairs Records, Vol. 3807, File 52,583-2 passim.

Parliament which declared that "when by a majority vote of a band, or the council of a band, an Indian of one band is admitted into membership in another band, and his admission thereinto is assented to by the superintendent general, such Indian shall cease to have any interest in the lands or moneys of the band of which he was formerly a member, and shall be entitled to share in the lands and moneys of the band to which he is so admitted."¹⁸ When this provision had been enacted, the Department of Indian Affairs began to arrange formal transfers for the members of the Sharphead and Chekastapasin Bands, who had previously abandoned their reserves near the present-day sites of Ponoka, Alberta, and Birch Hills, Saskatchewan, respectively.¹⁹ The objective was to totally deplete the membership of the bands, and leave no one with a legal interest in the two reserves. When that had been accomplished, Reed believed that the lands could be thrown open for settlement without a surrender, or the payment of any compensation to the Indians.

Most, but not all, of the Indians were formally transferred, but

¹⁸Canada, Statutes of Canada, 58-59 Vic., (1895), Cap 35, Sec. 8.

¹⁹P.A.C., Indian Affairs Records, Vol. 3912, File 111,777-1 passim, and Vol. 6663, File 109A-3-1 vol. 1 passim. The same procedure was to be implemented on a third reserve, that of Young Chipewyan, but Indian Commissioner Forget declared that the people of that band would be too difficult to find, and no attempt was made to arrange transfers for them. The reserve was given to the Department of the Interior without a surrender and without compensation to its original owners. See P.A.C., Indian Affairs Records, Vol. 6663, Files 109A-3-1 vol. 1 and 109A-3-2 passim.

before the reserves could be conveyed to the Department of the Interior, the election of 1896 intervened, and, following the change of government, Hayter Reed was superannuated.²⁰ The former Deputy Superintendent General's scheme for evading the surrender provisions of the Indian Act was considered to be questionable enough to cause the new Superintendent General, Clifford Sifton, to refer the matter to the Justice Department in May of 1897.²¹ Newcombe was obviously scandalized by the interpretation placed upon his earlier legal opinion. He declared unequivocally that the Indian Act "positively forbids, subject to certain exceptions, which have no application to the present case, the sale, alienation or lease of any reserve or portion of a reserve without . . . [a] release or surrender."²² The Indians whose formal transfers had been so carefully arranged, were then asked to consent to the surrender of their former reserve lands in the usual way.²³ Reed's dubious scheme was thus aborted.

²⁰Reed was granted a leave of absence from March 1, 1897 on the understanding that he would be superannuated. The Treasury Board Minute sanctioning his retirement was not approved until June of 1897, however. Canada, Privy Council, Order in Council, June 30, 1897, P.A.C., Privy Council Records, Series 1, Vol. 736, P.C. 1880/1897.

²¹J. D. McLean, memorandum, April 14, 1897, with marginal notation by Clifford Sifton, P.A.C., Indian Affairs Records, Vol. 6663, File 109A-3-1 vol. 1.

²²E. L. Newcombe to the Acting Secretary, Department of Indian Affairs, May 14, 1897, P.A.C., Indian Affairs Records, Vol. 6663, File 109A-3-1 vol. 1.

²³Chekastapasin Band, surrender instrument, June 23, 1897, P.A.C., Privy Council Records, Series 1, Vol. 740, P.C. 2135/1897, (July 21, 1897.) Sharphead Band, surrender instrument, September 11, 1897, P.A.C., Privy Council Records, Series 1, Vol. 753, P.C. 3446/1897, (December 30, 1897.)

The Department of Indian Affairs sought to avoid the repetition of its experience with the disposition of the Passpasschase Reserve, but was compelled to continue the practice of taking surrenders of abandoned Indian reserve lands by the interpretation placed on the law by the Department of Justice. Nevertheless, it was apparent that officials of the Indian Department desired to treat the Passpasschase surrender as an aberration rather than a precedent. But others were of a different mind. The people of Edmonton, and pre-eminent among them, Frank Oliver, were convinced that the sale of the Indian reserve situated to the south of their town had been an unmixed blessing. They would have scoffed at the suggestion that any moral wrong had been done to the members of the Passpasschase Band, most of whom had been discharged from Treaty at their own request, and the remainder of whom had agreed to leave their reserve without protest. As for themselves, Edmontonians were doubtless greatly relieved that a group of Indians which had been, at the best of times a nuisance, and at the worst, a source of real anxiety, should have been dispersed to locations farther removed from their settlement.

But it was the contrast between the use made of the reserve land by the Indians, and the white farmers who later purchased it, which made the most telling point. The few, tiny fields which Passpasschase and his followers had bestirred themselves to cultivate compared most unfavourably with the scores of prosperous farms which dotted the same land just fifteen years later. As the Edmonton Bulletin proclaimed in 1901:

The tract of country south of Strathcona known as the Indian reserve is covered with stubble fields and

grain stacks. Seven steam threshers are finding ample work on it this fall. It is producing many thousands of bushels of grain and thereby adding wealth to the country. Had it remained in the hands of the Indians it would still be a tax eating instead of a tax paying proposition.²⁴

In the newspaper's opinion the argument which had justified the European occupation of the Americas as a whole--that the Indians made little or no use of the resources provided by their lands--applied equally to reserves set aside under the terms of solemn treaties. The Bulletin was eager to see the history of the Passpasschase Reserve repeated.

The lesson of this reserve may very well be applied to the case of others similarly situated. The Indians make no practical use of the reserves which they hold. Where the land is good and well situated for market white men can turn it to much better account than the Indians do. A township in a good hunting country and near a fishing lake is more valuable to the Indians than a township of fine agricultural land near a railway station. It is a loss to the country to have such lands lying idle in the hands of the Indians when white men want to use them and are willing to pay for them. It is a loss to the Indian to compel him to remain in uncongenial surroundings to which he cannot adapt himself when he has the opportunity to remove to congenial surroundings, and by the sale of the land ensure himself a comfortable annuity.²⁵

It is said that hard cases make bad law, and it is no less true that unusual situations set poor examples for government policy. The Edmonton newspaper's view of the history of the Passpasschase Reserve might have been justified, but to depict such a case as typical was a burlesque upon the conditions of other Indian reserves in the North West. Few, if any, other Indian bands could boast of such a collection of unsavoury characters among their members as that of Chief Passpasschase.

²⁴"Indian Reserves," Edmonton Bulletin, October 28, 1901, p. 2.

²⁵Ibid.

Few had been so willing to abandon their Indian status for the short-lived wealth to be gained by accepting half-breed scrip. In spite of the difficulties posed by ill-advised government policies that limited cultivated acreages and discouraged the use of farm machinery,²⁶ and by the omnipresent pall of tuberculosis and other diseases which sapped the energies of so many,²⁷ the agricultural progress on most Indian reserves had been far more extensive than the Bulletin indicated. Some Indian farmers were claimed to be on a par with neighbouring whites,²⁸ and evidence of this had been given at many agricultural exhibitions.²⁹ It was ridiculous to assert that the Indians were "compelled" to remain on fine agricultural land. They had chosen their reserve sites themselves,³⁰ and were seldom willing to exchange them for locations elsewhere. Furthermore, when the "lesson" of the Passpasschase Reserve came to be "applied to the case of others similarly situated," many tracts of surrendered land were sold to speculators, and were as effectively

²⁶P.A.C., Indian Affairs Records, Vol. 3964, File 148,285 passim.

²⁷Tyler, "History of the Cowessess Band," pp. 53-55.

²⁸A. E. Lake to the Superintendent General, June 30, 1893, Canada, Sessional Papers for 1894, Vol. XXVII (No. 14), p. 80. Charles de Cazes to the Superintendent General, June 30, 1897, Canada, Sessional Papers for 1898, Vol. XXXI (No. 14), p. 150.

²⁹Hayter Reed to the Superintendent General, October, 1890, Canada, Sessional Papers for 1891, Vol. XXIV (No. 18), pp. 134-135. Hayter Reed to the Superintendent General, December 1, 1891, Canada, Sessional Papers for 1892, Vol. XXV (No. 14), pp. 195-196.

³⁰W. J. Christie, "Treaty Number Six. Indian Reserves, Carlton Indians - Crees of Saskatchewan," October 10, 1876, P.A.C., Indian Affairs Records, Vol. 3636, File 6694-1.

withheld from production as if the most indolent band of Indians had remained in possession of them.³¹

Such facts were ignored by the Edmonton Bulletin and its owner, Frank Oliver. Oliver had been associated with the newspaper since its inception, as editor, publisher, and owner, and its editorial views accurately reflected his own.³² He firmly believed that government efforts to educate the Indians³³ and teach them to farm were utterly useless, and doomed to failure.³⁴ The red man could not be 'civilized,' and it was foolhardy extravagance to attempt to change his ways. When he was named Superintendent General of Indian Affairs in 1905, Oliver may have found it politically impossible to amend the law so that Indians could be removed from their reserves without their consent,³⁵

³¹An examination of the "Land Sales Books" for the Prairie Provinces, held by the Department of Indian and Northern Affairs, shows that a great proportion of the surrendered Indian lands were purchased by land speculators residing in Eastern Canada, Winnipeg, or the United States, who quite evidently never attempted to farm their lands, and who retained possession of them for many years. D.I.N.A., Lands Branch, "Land Sales Books."

³²William S. Waddell, "The Honourable Frank Oliver," M.A. Thesis, University of Alberta - 1950. (Edmonton: 1950.)

³³Canada, Debates of the House of Commons, 2nd Session, 1896, Columns 2394-2397; 1897 Session, Vol. II, Column 4076; 1899 Session, Vol. III, Columns 7491-7493.

³⁴Oliver was quoted as telling an official of the Department of Indian Affairs that it was useless to try to make farmers out of Indians. A. W. Ponton to the Secretary, Department of Indian Affairs, July 24, 1902, P.A.C., Indian Affairs Records, Vol. 3563, File 82-15.

³⁵In 1911, Oliver did introduce legislation which allowed the Crown to dispose of Indian reserves without the consent of the Indians concerned. The amendment to the Indian Act was only applicable to Indian reserves within the boundaries of a city, however. Canada, Statutes of Canada, 1 George 5 (1911), Cap 14, Sec. 2.

but he could implement a programme of unrelieved pressure upon bands across the North West, to coerce them into the surrender of as much reserve land as possible. During his six year term of office, twenty-four major surrenders of reserve land were taken,³⁶ and many more were attempted.³⁷ Hundreds of thousands of acres of Indian lands were permanently alienated. Frank Oliver never doubted the justice of such a policy. For him and for his supporters in the rapidly expanding city of Edmonton, the history of the Passpasschase Reserve had proved a self-evident truth.

³⁶These were surrenders from the Alexander, Michel, Stony Plain, Samson, Louis Bull, Peigan, Wabamun, and Blackfoot Reserves in Alberta, the Côté (3 surrenders), Pasquah, Kahkeewistahaw, Cowessess, Fishing Lake, Swan Lake (#7A), Little Bone, Muscowpetung, Key, Keeseekoose, Mistawasis and Muskowequan Reserves in Saskatchewan, and the Swan Lake (#7) and St. Peter's Reserves in Manitoba. D.I.N.A., Land Registry Office, "Reserve General Register" for each of the reserves named.

³⁷One of Oliver's more original ideas was to appoint the Rev. John McDougall, a Methodist missionary who had the confidence of many of the Indians, as a special agent commissioned to take land surrenders from a number of Indian bands. See P.A.C., Indian Affairs Records, Vol. 4020, File 280,470-2.

BIBLIOGRAPHICAL NOTE

The greater part of the information upon which this thesis was based was found in primary sources, principally the Records of the Department of Indian Affairs in the Public Archives of Canada. The files from the period which has been examined were originally in three, distinct groups: Red Series (headquarters files commencing between 1873 and 1881), Black Series (headquarters files commencing after December 31, 1881), and Commissioner's Office files. The first two series were registry systems; that is, each piece of incoming correspondence was stamped with a number, and recorded consecutively in large registers (Red for the Red Series, Black for the Black Series). If the subject of the letter was new, its number became the number of the new file which was opened to deal with the subject. If there was already a file in existence to which the letter would be attached, the register would record the appropriate file number. Most headquarters files from the 1870's and 1880's are still extant, but those that have been lost or destroyed can be reconstructed from the brief descriptions of each incoming letter given in the registers together with the letterpress copies of all outgoing letters which have also been preserved in the Deputy Superintendent General's and the Department of Indian Affairs Letterbooks. The same cannot be said of the Commissioner's Office Files, most of which were destroyed when the Office was closed in 1909, and for which no registers or letterbooks have survived. Since practically all communications from the

Indian Agencies in the North West Territories between 1879 and 1897 were addressed to the Indian Commissioner, who only forwarded to Ottawa those items which he thought to be of importance or interest, the destruction of these files was especially regrettable. Fortunately, the files which were preserved were chiefly concerned with land matters, Indian discontent in 1884 and 1885, and the granting of North West Half-Breed Scrip to Treaty Indians. For all three series the original file numbers have been retained, unless correspondence on the subject continued on past 1920, when a new, coded, filing system was introduced. However, files from the Red Series, and the Commissioner's Office were combined into the Black Series, before they were transferred to the Public Archives of Canada, causing some confusion. The "Black Series" has thus come to include all files which were closed between 1873 and 1920 and which dealt exclusively with Western Canada. (The Red Series, after 1881, was reserved for files dealing with Ontario and Quebec, the personnel at Headquarters, or general policy files for the nation as a whole. Files concerning Indian administration in the Maritime Provinces have been transferred from the Black Series to the Red, adding geographical consistency to the division of the headquarter files, but complicating the search for specific documents.) Until 1976, the only finding aids available for the Black and Red Series were very incomplete subject indexes, and researchers attempting to use the records were severely hampered. At present, a complete list is available, which, although still imperfect, provides the researcher with a much clearer guide to the records.

With the exception of the Treaty annuity paysheets, those

records listed in the footnotes and bibliography as still in the possession of the Department of Indian and Northern Affairs, have not been employed as a source of specific information concerning the history of the Passpasschase Reserve. Rather, they were cited as the most convenient source for evidence to substantiate certain generalizations concerning the Department's administration of Indian lands in the Prairie Provinces. It is expected that most of these records will eventually be transferred to the Public Archives of Canada. Microfilm copies of the paysheets have already been deposited in the P.A.C., but the permission of D.I.N.A. is still required before they can be examined. Microfilm copies of the paysheets from 1874 to 1900 inclusive can also be found in the Glenbow-Alberta Institute in Calgary.

The Records of the Department of the Interior are in somewhat sadder shape than those of Indian Affairs. They, too, were originally organized as a registry system, but the registers and letterbooks have been destroyed. Following the break-up of the Department in the 1930's, a large proportion of the files were transmitted to the governments of the three Prairie Provinces. Saskatchewan has preserved most of the records it received, and they can be found in the "Homestead Files" at the Saskatchewan Archives in Saskatoon. Alberta, on the other hand, appears to have destroyed almost all documents except those concerning applications for homesteads by individuals. A large number of Interior files were retained in Ottawa, however, including many of those concerning Indian Reserves, and probably all of those dealing with "Half-Breed Scrip". But, while file lists and indexes for these records exist, they are not complete or well-organized. Considering the large volume of material involved, this is a serious handicap to comprehensive research.

The Records of the Privy Council contain copies of Indian reserve surrender documents, and of descriptions of reserves that were confirmed by Order in Council. The Records of the Department of Justice which are available contain the legal opinions on general policy questions given by the government's lawyers to the various departments before 1930. The records of the North West Mounted Police are very incomplete until 1883, when the Commissioner's Office was permanently established at Regina. Most of the headquarters records for the 1870's and 1880's are not extant.

For an understanding of the political considerations behind much of the Indian policy from 1878 to 1890, an examination of the Macdonald Papers is essential. Except for a brief interval, in 1887, Macdonald served as his own Superintendent General of Indian Affairs for a decade after his return to power in 1878. His correspondence with his Deputy Superintendent General Lawrence Vankoughnet and the Indian Commissioner Edgar Dewdney, is especially enlightening. Further evidence of the political context in which decisions affecting Indian administration in the North West Territories were made, can be gleaned from the published Debates of the House of Commons, and, to a lesser extent, from Annual Reports of the Department of Interior and of the Department of Indian Affairs published annually in the Sessional Papers. Until 1886, the annual reports of the individual Indian agents and inspectors, which were attached to that of the Superintendent General, were practically uncensored, and they constitute an important source of additional information concerning the administration of Indian Affairs. In 1886, however, Liberal members of Parliament began making extensive use of

the information provided by the Annual Reports to buttress their arguments that the Conservative government's actions had provoked Indian participation in the 1885 rebellion, and the annual reports quickly came under much more rigid scrutiny prior to publication, greatly limiting their usefulness as a source of authentic information.

In order to understand the legal framework in which Indian administration operated, it is necessary to consult the various Indian Acts and their amendments in force during the period under study. Canadian Indians and the Law, edited by Derek G. Smith, provides copies of much of the most important legislation, but it is less comprehensive than the three volume "Consolidation of Indian Legislation," which was recently compiled for D.I.N.A. by Gail Hinge.

Local white reaction to the government's Indian policies can best be discerned from the comments in North West Territories newspapers, which also constitute an important source of information concerning the problems encountered by local officials in dealing with the Indian population. While often unsympathetic to the concerns of the natives, the editors of the early North West newspapers maintained a surprisingly high literary standard, and local events were usually recounted in a colourful manner. Frank Oliver's articles and editorials in the Edmonton Bulletin and his earlier columns in the Saskatchewan Herald, while often displaying reprehensible attitudes, are also of interest because of their unrelenting criticism of all aspects of the Conservative government's Indian policy (or any other policy, for that matter).

There has been relatively little that has been published on

the subject of Indian reserve land surrenders in Western Canada. Stewart Raby's article "Indian Land Surrenders in Southern Saskatchewan" (Canadian Geographer, 1973), provides a useful survey of land surrenders in that district between 1901 and 1928. It emphasizes the pressure from local white settlers and railway developers as the force behind the government's drive for surrenders, and the vulnerability of Indian bands to charges that they were making insufficient use of the land that they held, and to the inducements of cash advances that would enable needy individuals to repay personal debts and purchase machinery necessary for farming operations. Raby makes little reference to the pressure for land surrenders which came from the highest levels of the Department of Indian Affairs, particularly during the period of 1905 to 1911 when Frank Oliver was Superintendent General of Indian Affairs, nor to the hypocrisy inherent in many of the proposals for surrenders that would ostensibly promote agricultural development. In practice, many such surrenders served only to dispose of the best agricultural land on the reserve, and to dispossess the most successful farmers among the band membership. The vulnerability of bands was also greater than Raby implied. Indians could not leave their reserves without a pass from their agent, nor sell any of their agricultural produce without a permit from the same source. Many, especially the ill and the aged, were still dependent on government rations of food and clothing for survival. Persons living under such conditions would find it difficult to resist pressure from officials of the Department of Indian Affairs to surrender significant portions of their land. David Lupul's "The Bobtail Land Surrender" (Alberta History, Winter 1978), gives more of

an indication of the prevailing sentiment within the Department of Indian Affairs in favour of Indian land surrenders under the regime of Frank Oliver. The Department's highly questionable interpretation of the legal rights of the various groups of Indians interested in that complicated case, was perhaps accepted too uncritically, however, and a few interesting aspects of the negotiations leading up to the surrenders (such as the Rev. John McDougall's promise that the Hobbema Indians would be permitted to hold a sundance should they agree to his proposition for a land sale), were not discussed.

More has been written on other aspects of Indian administration touched on in this thesis. Native Rights in Canada (1972), edited by Peter A. Cumming and Neil H. Mickenberg, is the most extensive examination of the question of the aboriginal rights of Canada's native peoples. It must be used with care, however, for it was written more as a brief in favour of aboriginal rights than as an objective assessment of the degree to which the concept has been accepted by different Canadian governments and courts. Although it is now fifty years old, W. C. MacLeod's, The American Indian Frontier (1928), probably gives a more balanced account of the development of the concept among the various colonizing powers in the Americas. The Department of Indian and Northern Affairs has recently produced a pedestrian study of the "Historical Development of the Indian Act" (1975), which provides much useful information on the various stages through which Canada's Indian legislation progressed. John L. Tobias' "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy" (Western Canadian Journal of Anthropology, 1976), examines those aspects of

Canada's Indian legislation which promoted the assimilation of the Indian population into the dominant European culture.

The question of whether the Government of Canada incurred the legal obligations of a trustee in undertaking its self-appointed mission to "civilize" the Indians, has been examined in L. C. Green's "Trusteeship and Canada's Indians" (Dalhousie Law Journal, 1976) and by Dennis M. Brans "The Trusteeship Role of the Government of Canada" (unpublished, 1971). Both concede that the question is still open, but conclude that it is unlikely that a case for breach of trust could be successfully prosecuted against the Crown. Douglas Sanders in "The Friendly Care and Directing Hand of the Government" (unpublished, 1977), reaches a different conclusion, but appears to rely more upon political pronouncements and decisions by the United States Indian Claims Commission, than upon any solid Canadian or British precedents.

The treaties negotiated between the Canadian government and the Indians of the North West have received more attention. Most authorities appear to agree with L. C. Green's conclusion in "Legal Significance of Treaties Affecting Canada's Indians" (Anglo-American Law Review, 1972), that the "Indian treaties" were not really "treaties" at all, in the sense of negotiated agreements between sovereign parties. The Canadian government considered the Indians to be subjects of the Queen and answerable to Canadian law even before the treaties were signed, and the Courts have upheld that view. But the treaties were of enormous practical value in assuaging the consciences of the European newcomers to the North West and in winning the Indians' acceptance of the new order. Under such circumstances, the negotiations

which preceded the treaties were of real significance, and the contribution of the Indian chiefs to the final terms agreed upon was not insubstantial, a point brought out by John L. Taylor in his "The Development of an Indian Policy for the Canadian North-West, 1869-79" (Ph.D. Thesis, Queen's, 1975).

The period between the signing of the treaties and the 1885 rebellion has been discussed in a number of works. While it makes only passing reference to Indian reserves, Chester Martin's Dominion Lands Policy (1938) is useful in giving a detailed description of the Federal Government's general policies and objectives in its administration of North West lands. A. S. Morton's A History of Prairie Settlement (1938) is valuable for outlining the overwhelming problems which settlers encountered in their first attempts to raise grain crops on the Canadian Prairies before the essential dry land farming techniques were successfully adopted. What he tells us of white farmers must have applied with even greater force to inexperienced Indian agriculturalists, a point that has not been sufficiently emphasized in discussions of Indian agricultural efforts before 1885. Frank Gilbert Roe's The North American Buffalo (1951) contains much useful information concerning the mammal whose disappearance signalled the sudden transformation of the way of life of the Plains Indians, but it is marred by convoluted argumentation and too-frequent digressions in order to launch vituperative assaults upon all with whom he finds occasion to disagree. R. C. Macleod's The North-West Mounted Police and Law Enforcement: 1873-1905 (1976) gives a brief, but balanced and well-researched assessment of the role of the N.W.M.P.

in bringing Indian and white to accept the dictates of the rule of law.

George F. G. Stanley, in his Birth of Western Canada (1936), argued that the Plains Indian was unwilling to adopt sedentary agricultural pursuits after the buffalo had disappeared. Noel Evan Dyck's "The Administration of Federal Indian Aid in the North West Territories: 1879-1885" (M.A. Thesis, University of Saskatchewan, 1970) takes issue with this view, and points to the evidence of sustained efforts on the part of many bands to raise sufficient food for their own survival. Dyck is perhaps somewhat unjust in attributing too much of the failure of these efforts to bumbling and corruption on the part of government officials, and not enough to the difficulties arising from climatic conditions and unsuitable farming techniques. He also appears to have been unaware of the conflict between the partisans of Dewdney on the one hand and Vankoughnet on the other, among the Indian Affairs officials in the North West. By accepting uncritically the accusations of both sides against the other, he leaves a rather unfair impression of the incompetence and dishonesty of the Department's agents. The relevant sections of James Douglas Leighton's "The Development of Federal Indian Policy in Canada 1840-1890" (Ph.D. Thesis, University of Western Ontario, 1975) are based upon more superficial research than Dyck's thesis, but offer a more understanding view of the problems experienced by the Department of Indian Affairs in finding and keeping competent men to fill its local positions. He concludes that the Department did the best it could under very difficult circumstances. Jean B. D. Larmours' study of Dewdney, "Edgar Dewdney, Commissioner of Indian Affairs and Lieutenant Governor of

the North-West Territories, 1879-1888" (M.A. Thesis, University of Saskatchewan, 1969), is largely uncritical, and has not employed any of the material from the files of the Department of Indian Affairs. Still, it discusses most of the major issues which appear to have engaged Dewdney's attention during his term in the N.W.T.

There have been a great many works published on the North West Rebellion, most of them dealing to some extent with the role of the Indians in that event. Most authorities still concur in Stanley's judgement that the government's excessive concern with economy of expenditure provoked many of the Plains Cree and Assiniboine to take up arms against the government, but there is less agreement with the interpretation advanced in The Birth of Western Canada that the Métis and Indian uprising was the result of a common reaction to the threat posed to a dying order by the invasion of a more advanced society. While emphasizing with Stanley the desperate plight of the Plains Indians and the substantial nature of their grievances against the Canadian government, writers such as Hugh A. Dempsey in Crowfoot: Chief of the Blackfeet (1973), Norma Sluman in Poundmaker (1967), and W. B. Fraser in "Big Bear, Indian Patriot" (Alberta Historical Review, Spring, 1966), have emphasized the superior acumen of the Indian leaders to Louis Riel, and the degree to which their movements of protest were distinct from those of the Métis. Sluman and Fraser argue that the participation of the Indians in the Rebellion was not intended by the chiefs, and was precipitated by the undisciplined reactions of their young men to the heady news from Duck Lake.

The work of the North West Half-Breed Claims Commission between

1885 and 1891 has attracted far less attention than it deserves, particularly in light of the irrepressible interest in the North West Rebellion. While the demand for scrip would seem to have been paramount among the grievances alleged by the Métis in the period before 1885, most writers have been content to assert that armed rebellion did, in fact, win recognition for the claims of the Métis for compensation in recognition of their aboriginal rights, without troubling themselves to examine how those claims were dealt with in practice. Marcel Giraud, in his mammoth Le Métis Canadien (1945), devotes some attention to the question, and while he reaches the inescapable conclusion that the granting of transferable scrip brought little or no lasting benefit to the Métis, certain aspects of his account are misleading. David J. Hall's "The Half-Breed Claims Commission" (Alberta History, Spring, 1977) deals primarily with the 1899 and 1900 Scrip Commissions. The most extensive discussion of the work of the earlier North West Commissions is to be found in John L. Taylor's "Historical Introduction to Métis Claims in Canada" (unpublished, 1975).

The only substantial work on the career of Frank Oliver is the thesis by William S. Waddell, "The Honourable Frank Oliver" (M.A. Thesis, University of Alberta, 1950). No personal papers of the Edmonton publisher and politician have ever come to light, and so any detailed study of his career must rely upon his public statements, his writings in the Bulletin, and his private correspondence in other collections of private papers such as the Sifton and Laurier Papers in the Public Archives of Canada. Waddell did not employ any sources which were not available in Edmonton, and did not carry his study beyond 1905. His

thesis was thus confined to an examination of Oliver's public career in the period before he rose to the position of Minister of the Interior and Superintendent General of Indian Affairs. It is largely uncritical, and pays scant attention to Oliver's views on Indian Affairs except to draw attention to those occasions upon which Oliver castigated Dewdney and the Federal authorities for their dangerous policy of exercising stringent economy in the face of widespread hunger and rising discontent among the Plains tribes.

In addition to the published books and articles and the unpublished theses and papers available to the public mentioned above, a considerable number of unpublished papers have been prepared for the different Prairie Indian organizations which are regarded as confidential. A few of these papers have been cited in the footnotes and the bibliography. It is anticipated that the great majority of these papers will be made available to academic researchers once the specific issues in dispute between the Federal Government and the Indian organizations which the papers address, are disposed of.

BIBLIOGRAPHY

PRIMARY SOURCES

Government Records

Canada, Department of Indian and Northern Affairs:
Genealogical and Archival Research Unit, "Annuity Paysheets
for Treaties 4, 6, and 7".
Indian and Eskimo Program Headquarters Files.
Lands Branch, "Land Sales Books" and "Reserve Land Sales
Registers".
Land Registry Office, "Reserve General Registers".

The Federal Court of Canada:
Cardinal v The Queen, Statement of Claim, June 30, 1975.

Glenbow-Alberta Institute:
Hobbema Indian Agency Papers.

Public Archives of Canada:
Records of the Department of Indian Affairs.
Records of the Department of the Interior.
Records of the Department of Justice.
Records of the North West Mounted Police.
Records of the Privy Council.
Records of the Secretary of State for the Provinces.

Saskatchewan Archives Board:
Homestead Files.

Private Papers

Alberta Provincial Archives:
Oblate Papers.

Public Archives of Canada:
Sir John A. Macdonald Papers.
Alexander Morris Papers.

Public Archives of Manitoba:
Adams G. Archibald Papers.
Alexander Morris Papers.

Government Publications

Parliament:

Debates of the House of Commons.
Sessional Papers.
Statutes.

Secretary of State:

The Civil Service List of Canada.

Newspapers

Edmonton Bulletin. Edmonton, N.W.T.

Saskatchewan Herald. Battleford, N.W.T.

The Winnipeg Telegram. Winnipeg, Manitoba.

Books

Buttler, William Francis. The Great Lone Land. Edmonton: Hurtig Publishers, 1968.

Cameron, W. B. On the War Trail of Big Bear. Toronto: Ryerson, 1927.

Grant, Rev. George M. Ocean to Ocean: Sanford Fleming's Expedition Through Canada in 1872. Toronto: Coles Publishing Company, 1970.

Morris, Alexander. The Treaties of Canada with the Indians of Manitoba and the North-West Territories. Toronto: Coles Publishing Company, 1971.

Vattel, Emmerich de. The Law of Nations; or Principles of the Law of Nature Applied to the Conduct and Affairs of Nations and Sovereigns, (Joseph Chitty, ed.). Philadelphia: T. & J. W. Johnson Law Booksellers, 1852.

Victoria, Franciscus de. De Indis et de Jure Belli Relectiones, Being Parts of Relectiones Theologicae XII, (Ernest Nys, ed.), in The Classics of International Law Series, Washington: Carnegie Institution of Washington, 1917.

Others

Hinge, Gail. "Consolidation of Indian Legislation". Unpublished compilation prepared for the Department of Indian and Northern Affairs, 1978. Copies of this work are held by the Treaties and Historical Research Office of the Department of Indian Affairs in Hull, Quebec.

Lefler, Hugh T. (ed.). A History of the United States From the Age of Exploration to 1865. Meridian Documents of American History, Cleveland: The World Publishing Company, 1960.

Smith, Derek G. (ed.). Canadian Indians and the Law: Selected Documents: 1663-1972. Toronto: McClelland and Stewart Ltd., 1972.

Young, Harrison S. "Impressions of Fort Edmonton," Alberta Historical Review, Vol. 13, No. 1 (Winter, 1966), 22-25.

SECONDARY SOURCES

Books

- Adams, James Truslow. The Founding of New England. Boston: Little, Brown & Co., 1972.
- Boorstin, Daniel J. The Americans: The National Experience. New York: Vintage Books, 1965.
- Cumming, Peter A. and Neil H. Mickenberg (eds.). Native Rights in Canada. 2nd ed. Toronto: The Indian-Eskimo Association of Canada, 1972.
- Delanglez, Jean. Frontenac and the Jesuits. Chicago: Institute of Jesuit History, 1939.
- Dempsey, Hugh A. Crowfoot: Chief of the Blackfeet. Edmonton: Hurtig Publishers, 1973.
- Eccles, W. J. Frontenac: The Courtier Governor. Toronto: McClelland and Stewart Ltd., 1959.
- Giraud, Marcel. Le Métis Canadien. Son rôle dans l'histoire des provinces de l'Ouest. Paris: Institut d'Ethnologie, 1945.
- Jacobs, Wilbur R. Dispossessing the American Indian: Indians and Whites on the Colonial Frontier. New York: Charles Scribner's Sons, 1972.
- Macleod, R. C. The North-West Mounted Police and Law Enforcement: 1873-1905. Toronto: University of Toronto Press, 1976.
- MacLeod, W. C. The American Indian Frontier. London: Dawsons of Pall Mall, 1968.
- Martin, Chester. Dominion Lands Policy. Toronto: McClelland and Stewart Ltd., 1973.
- Morton, Arthur S. A History of the Canadian West to 1870-71. 2nd ed. Toronto: University of Toronto Press, 1973.
- Morton, Arthur S. A History of Prairie Settlement. Toronto: Macmillan, 1938.
- Patterson, E. Palmer II. The Canadian Indian: A History Since 1500. Don Mills, Ontario: Collier MacMillan Canada Ltd., 1972.
- Rich, E. E. Hudson's Bay Company: 1670-1870. Toronto: McClelland and Stewart Ltd., 1960.

Roe, Frank Gilbert. The North American Buffalo: A Critical Study of the Species in its Wild State. Toronto: University of Toronto Press, 1951.

Simpson, A. W. B. An Introduction to the History of the Land Law. Oxford: Oxford University Press, 1961.

Sluman, Norma. Poundmaker. Toronto: Ryerson, 1967.

Stanley, George F. G. The Birth of Western Canada: A History of the Riel Rebellions. Toronto: University of Toronto Press, 1961.

Zaslow, Morris. The Opening of the Canadian North, 1870-1914. Toronto: McClelland and Stewart Ltd., 1971.

Articles

Farrand, Max. "The Indian Boundary Line," American Historical Review, X (1904-1905), 782-791.

Fraser, W. B. "Big Bear, Indian Patriot," Historical Essays on the Prairie Provinces. Edited by Donald Swainson. Toronto/Montreal: McClelland and Stewart Ltd., 1970.

Green, L. C. "Legal Significance of Treaties Affecting Canada's Indians," Anglo-American Law Review, I, 1 (1972), 119-135.

Green, L. C. "Trusteeship and Canada's Indians," Dalhousie Law Journal, III, 1 (1976), 104-135.

Hall, David J. "The Half-Breed Claims Commission," Alberta History, XXV, 2 (Spring, 1977).

Lupul, David. "The Bobtail Land Surrender," Alberta History, XXVI, 1 (Winter, 1978).

Raby, Stewart. "Indian Land Surrenders in Southern Saskatchewan," Canadian Geographer, XVII, 1 (1973), 36-52.

Stanley, George F. G. "The First Indian 'Reserves' in Canada," Revue d'Histoire de l'Amérique Française, IV, 2 (September, 1950), 178-210.

Tobias, John L. "Indian Reserves in Western Canada: Indian Homelands or Devices for Assimilation?" Approaches to Native History in Canada: Papers Presented to a Conference Held at the National Museum of Man, October, 1975. Edited by D. A. Muise. History Division Paper #25, National Museum of Man, Mercury Series. Ottawa: National Museums of Canada, 1977, pp. 89-103.

Tobias, John L. "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy," The Western Canadian Journal of Anthropology, VI, 2 (1976).

Theses and Other Unpublished Works

- Bartlett, R. "The Establishment of Reserves in Saskatchewan." Unpublished paper prepared for the Federation of Saskatchewan Indians, 1975. A copy of this paper is held by the Treaty Rights Research Branch of The Federation of Saskatchewan Indians, 1715 South Railway Avenue, Regina, Saskatchewan.
- Brans, Dennis M. "The Trusteeship Role of the Government of Canada." Unpublished paper prepared for the Indian Claims Commission, Summer Student Project, August, 1971. A copy of this paper is held by the Library of the Indian Rights Commission, 207 Queen Street, Ottawa, Ontario.
- Canada, Department of Indian and Northern Affairs, Policy Planning and Research Branch. "The Historical Development of the Indian Act." January, 1975. A copy of this paper can be obtained from the Treaties and Historical Research Office of the Department of Indian and Northern Affairs, Hull, Quebec.
- Dyck, Noel Evan. "The Administration of Federal Indian Aid in the North West Territories: 1879-1885." M.A. Thesis, University of Saskatchewan, 1970.
- Fraser, William A. "Plains Cree, Assiniboiné and Saulteaux (Plains) Bands 1874-84." Unpublished paper in the possession of the Glenbow-Alberta Institute, Calgary, 1963.
- Larmour, Jean Beatrice Drummond. "Edgar Dewdney, Commissioner of Indian Affairs and Lieutenant Governor of the North-West Territories, 1879-1888." M.A. Thesis, University of Saskatchewan, 1969.
- Leighton, James Douglas. "The Development of Federal Indian Policy in Canada 1840-1890." Ph.D. Thesis, University of Western Ontario, 1975.
- Sanders, Douglas. "The Friendly Care and Directing Hand of the Government; A Study of Government Trusteeship of Indians in Canada." Unpublished paper, February 22, 1977. A copy of this paper is held by the Treaty Rights Research Branch of The Federation of Saskatchewan Indians, 1715 South Railway Avenue, Regina, Saskatchewan.
- Taylor, John Leonard. "The Development of an Indian Policy for the Canadian North-West, 1869-79." Ph.D. Thesis, Queen's University, 1975.

Taylor, John Leonard. "Historical Introduction to Métis Claims in Canada." Unpublished paper prepared for the Indian Claims Commission, June, 1975. A copy of this paper is held by the Library of the Indian Rights Commission, 207 Queen Street, Ottawa, Ontario.

Tobias, John L. "Interim Report on the Little Pine/Lucky Man Band." Unpublished paper prepared for the Federation of Saskatchewan Indians, Treaty Rights Research Division, 1974. A copy of this paper is held by the Treaty Rights Research Branch of The Federation of Saskatchewan Indians, 1715 South Railway Avenue, Regina, Saskatchewan.

Tyler, Kenneth J. "A History of the Cowesses Band: 1874-1911." Unpublished paper prepared for the Federation of Saskatchewan Indians, Treaty Rights Research Division, 1975. A copy of this paper is held by the Treaty Rights Research Branch of The Federation of Saskatchewan Indians, 1715 South Railway Avenue, Regina, Saskatchewan.

Tyler, Kenneth J. "The Treaty-Making Process in Western Canada 1869-1877. A Preliminary Report: The First Western Treaties 1869-1872." Unpublished paper prepared for Treaty and Aboriginal Rights Research of the Indian Association of Alberta, June, 1974. A copy of this paper is held by the Treaty and Aboriginal Rights Research Branch of the Indian Association of Alberta, 11710 Kingsway Avenue, Edmonton, Alberta.

Waddell, William S. "The Honourable Frank Oliver." M.A. Thesis, University of Alberta, 1950.

INTERVIEWS

Lapôtac, Jim. Interview with Kenneth J. Tyler, November 22, 1972
(in Cree, interpreter George Morin). Tape in the possession
of The Enoch Band, Winterburn, Alberta.

Lapotac, Jim. Several informal interviews with Kenneth J. Tyler,
1973.

Morin, George. Several informal interviews with Kenneth J. Tyler,
1973.

Morin, Lawrence. Several informal interviews with Kenneth J. Tyler,
1973.

Shortlegs, Albert. Interview with Kenneth J. Tyler, November, 1972
(in Cree, interpreter Henry White). Tape in the possession
of The Enoch Band, Winterburn, Alberta.

Ward, Johnny. Several informal interviews with Kenneth J. Tyler,
1973.